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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATION, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

26 July 1946.

COMMISSIONER:

Mr. George R. Taylor.

THE S. S.

(The Commission convened at 1000 hours and waited until 1040 hours for the prosecution's attorney for the SS. The prosecution failed to appear in the Commission and the Commissioner proceeded to hear the affidavits on the part of the SS without the prosecution being present.)

COMMISSIONER TAYLOR: Dr. Pelckmann, you may proceed with the presentation of your affidavits concerning the SS.

DR. PELCKMANN: I want to submit a few affidavits concerning concentration camps.

First, my proposal to obtain files and sentences of the military courts against members of the concentration camps and guard units, such as in Belsen, Mauthausen, Dachau, Neriengamme, Celle, Rastah, Wuppertal, (Struthoff-Natzweiler) was turned down.

My request to look through the documental material of the SS in the allied document circles was refused by the Bureau of the General

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Secretary for security reasons.

In order to refute the prosecution's claim that the mistreatment, single murders and mass murders in the concentration camps, were a system and that the entire SS was guilty of that crime and that these facts were known to the great mass of the SS people, I could not use the written material for the above mentioned reasons.

Through my systematical checking of all witnesses who have been brought to Nurnberg and by checking parts of the affidavits from the camps made it possible for me to bring out facts, which are suited for the repudiation of the prosecution's daim.

Lord Judge Lawrence stated in the session of January 29th (page 3517 of the German transcript) that he expected sentences and evidence from the defense concerning the concentration camps. On page 3493, he stated upon the questioning of the French prosecutor, Dubost, if the court was of the opinion that the same conditions were in the other concentration camps that had been described by two witnesses. He answered if Mr. Dubois did want to prove that, then he would have to bring a witness from each of the hundreds of concentration camps. Following these lines, I hand/ed to the court a number of affidavits by a number of SS guard units, command post members, camp inmates and occasional visitors of the concentration camps. This counter evidence concerns itself, just as the prosecution evidence does, with only a limited number of camps.

Today, I hand over a sworn affidavit by the former commandant of the concentration camp in Sachsenhausen since 1942, Anton Kaindle, in which he described the basic administration of this camp and the camps in

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general. In this affidavit he gives his position concerning the statements of the prosecution.

I also present three sworn affidavits of the SS Judge, Dr. Konrad Morgen and one each from Dr. Werner Paulman and Dr. Werner Hansen. These affidavits state that after 1943 the SS courts went after any signs of corruption in the concentration camps and in this connection found out concerning the mistreatment, killings and mass murders in some of the concentration camps. They describe in detail, due to their month long investigations, which were carried out in some concentration camps, their close contact with the prisoners and the actual happenings in the concentration camps (authority of food, orders and work) and special crimes. They also describe how these crimes could occur, what certain persons were responsible and how it was possible that these crimes were kept secret from the public for years and therefore were also kept secret from the individual SS men.

They also describe, in this connection, the opposition met from the responsible leaders of the concentration camps against these investigations and list [illegible] points in which these decress of mass exterminations came.

On the other hand, these sworn affidavits prove that this knowledge of the judges was not known to the public and therefore was not known to the individual SS men and that the secret remained within a small circle that was sworn to secrecy in the main office SS court.

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Dr. Morgan arrived in Nurnberg on July 1st from a camp and I therefore could not use him as a witness before the commission.

Since the indictment against the concentration camp complex is especially strong and since up to now, due to the already mentioned former hinderances which the defense has met and due to the fact that the actual occurances and the claim that this whole entire matter was unknown to the public and therefore also to the SS men is so hard to understand for the person that is not familiar with this matter and to the foreigner, who is not familiar with the German conditions, I beg that all six affidavits be translated in their entirety due to their importance.

COMMISSIONER TAYLOR: Dr. Pelckmann, you have three affidavits here from Dr. Konrad Morgen. I understand that they are supposed to explain the condition of the concentration camps. Is that correct?

DR. PELCKMANN: Only partly.

COMMISSIONER TAYLOR: You have an affidavit from Dr. Werner Paulman. Tell us briefly what is the contents of this affidavit?

DR. PELCKMANN: This affidavit of Dr. Paulman shows that the SS judges found out about the mass killings and individual killings in the concentration camps and that it was very hard for these people as judges to find out the true facts in the concentration camps. I explained all these reasons clearly in the letter, which I just presented.

COMMISSIONER TAYLOR: Dr. Pelckmann, what was your last affidavit number for the SS on the affidavits you have already submitted?

DR. PELCKMANN: I have submitted 63 affidavits.

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COMMISSIONER TAYLOR: Let the affidavit by DR. WERNER PAULMANN be marked SS AFFIDAVIT NO. 64 for identification.

The three affidavits of DR. KONRAD MORGEN will be marked SS AFFIDAVITS NOS. 65, 66 and 67 for identification.

Let the affidavit of ANTON KAINDL be marked SS AFFIDAVIT NO. 68 for identification.

Let the affidavit of Dr. Werner Hansen be marked SS AFFIDAVIT NO. 69 for identification.

The record will show that the defense counsel has requested that the above mentioned and numbered affidavits be translated.

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MR TAYLOR: Doctor, can you reduce the summaries a little more, as you are going to have an awful long record here. You know, I have got to summarize these affidavits,and judging from the size of this, it is not a summary,but this is a brief of the affidavit.

DR. PELCKMANN: I did not even read my summary as yet.

MR TAYLOR: I know you have not read your summary,but I am making a preliminary request to find out whether you can reduce your summary.

DR PELCKMANN: The Judge will see immediately the value for this matter here, if I read the short summary. That is the one page.

MR TAYLOR: I know,Dr Pelckmann,but is this an affidavit (showing a file).

DR PELCKMANN: Yes, this is one affidavit,but the Commission will see why the affidavit is so long,and if you will just let me explain.

MR TAYLOR: Howmany of these affidavits do you have that are as big as this one.

DR PELCKMANN: Not one. Only this one. May I read my summary?

MR TAYLOR: Yes, go ahead, Doctor.

DR PELCKMANN: I submit an affidavit which has been made by the witnesses Kampp and Franz, both of judiciary qualities,and both were interned in Camp 73, Kornwesterheim,and are now witnesses here in the witness wing,and have made a complete summary of the sworn affidavits from the affidavits received from Camp 73 of the SS men that are interned there. I beg that this affidavit be translated in its entiriety. It is not possible to make a summary of this affidavit,and to submit that, since the affidavit concerns itself with virtually all the prosecution claims against the SS;

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concerns itself with one point only, shortly, and it saves the submission of thousands of affidavits, and, therefore, is a basis for a fair hearing. I shall submit next week a summary of over one-hundred thousand collective declarations, and evaluation of over ten-thousand individual affidavits, which work is still being done currently in the witness wing under the leadership of the witness Reinecke, and the work is being done by fifteen men witnesses who have judicial qualities . This summary will be an important addition, and is without a doubt the first broad basis of evidence which concerns itself mostly with numbers and small key words, but not too much text, therefore, it is absolutely necessary that the submitted affidavit of Franz be translated entirely, because it gives a complete description to its text, or content.

MR TAYLOR: Let the affidavits of Kampp and Franz be marked SS No. 70 for identification, and request the counsel to have the same translated be noted. Dr. Pelckmann, let me ask you a question. Do you intend by your other summary to cover the same facts contained in this affidavit?

DR. PELCKMANN. Yes, I am going to submit other affidavits. However, the other affidavits will not be quite as understandable unless this affidavit is admitted in connection with it in order to give the translation of the entire text an explanation in its entirety.

MR TAYLOR: Proceed with the next affidavit.

DR PELCKMANN: I state the following: I had asked for Kampp and Franz to be witnesses for the court as typical representative of the SS people, and they were supposed to say what they state now in this affidavit before the court, and, apparently, last week instead of hearing the wit-

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nesses before the Commission, to have them make up an affidavit as typical members of the SS, instead of the hearing before the Commission. The next affidavits concern themselves with the great, strong indictment of germinization. The first affidavit is Golling I., and I give the following summary:

MR TAYLOR: How many affidavits do you have. Are they all of the same person?

DR. PELCKMANN: No, not the same person.

MR TAYLOR: You are not summarizing this document, Doctor, you are writing a brief on these things.

DR PELCKMANN: I want to state for the record that the prosecution has used several days presenting documents,and witnesses against this particular point. I don't think that the defense is asking for too much if it asked for a few documents, and a few summaries to be transl ted. The measures of the Staff Main Office were notsuited to carry out the plunderings, depredations, germinization,and persecution of races.

1. The economic exhaustion of the occupied countries was a matter for the Ministry of Commense, Speer and Goering (see transcript page 1298).

2. A treatment of the Poles in the Eastern territories that were in a part of the Reich, which was a matter for the RSHA. Himmler forbade the Staff Main Office to interfere in these questions, and, therefore, was not informed of the evacuation of Poles. The evacuations forbidden in the beginning of 1941 sofar as the evacuations were carried out, there were regulated re-settlements into the general government from a thing different from the re-settlement from the Czechoslovakia of today.

3. Depredation of Poles of force labor were not carried out by the Staff Main Office,and were in opposition to its duties. Since 500,000 German

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re-settlers camps had to be placed as it were,which were re-settlement camps without workand without homes.

Depredations. 4. The German peoples list was not carried out by the SS (claim of the prosecution on page 1318 of the German transcript) but it was carried out by the offices of the Reichsministry ofInterior. In this case it was no racial persecution. Since the reports as to these lists were voluntary,and only for people with German ancestry, the row of those Germans which didnot report for this to the Gestapo according to the decree of 16 February 1942 (R-112 USA 309, Decree No. 1) is not in opposition to this, since this was purely a Poles measure,and was aimed against draft dodgers. The decrees Nos. 2 and 3 of this Gestapo were also listed in this connection, were in opposition to the ideas of the Staff Main Office, and, therefore, were not carried out.

5. The settlements of Germans was not carried out, nor was anything later on confiscated for that.

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PELCKMANN: VI. Confiscation of Polish property was carried out neither through the SS nor the Staff Main Office but a representative of the four-year plan and by the Reich Food Minister. The right for confiscation of the Reich Commisar did not lead to changing of ownership or property which did not lead to evacuation, deportation or settlement of racial Germans. In other words, it was a prize given to good Nazis (page 1319 of the German transcript). It rather was a measure against the General Administrator of the confiscated property in order to house the resettlers professionally during the War. The list in R-92, USA 312, pages 12 and 13, only shows the extent of the funds and property which were administered by the General Administrator. The property which was confiscated within the area of the four land offices concerned itself only with the confiscation of more important areas for the use of troop training places, airports and armament industry, which were carried out in the same extent in the Reich itself. In addition to that, according to paragraph 8, #2 - R-92, confiscations were forbidden principly. This list concerns itself not only with four land offices, but it concerns itself with entire Eastern areas which were once again put under German protection. As far as confiscations were carried out in this case then, a full retribution was planned.

VII In opposition to that, Document 1352 P.S. USA 176 (transcript page 1056, 1324 and 1684) cannot prove the carrying out of confiscations or deportations by the SS since this was only a suggestion by an unimportant person by the name of Kusche, who was no SS member and who was relieved because he was not suited for his position. The suggestions were turned down.

VIII The confiscation of valuable matters (R-143, Trial Brief against the SS, page 34) was not carried out by the SS, but by the Haupttreuhandstelle East. In this case it was solely a relisting of the confiscations orders by the RSHA. These art treasures, by the way, were not plundered, but were sent to museums.

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Since this affidavit concerns itself, as you have seen already in the summary, with various single points of the indictment, I would like to ask you to have this document translated in its entirety.

COMMISSIONER TAYLOR: What does this witness know personally aboutthe records of the proceedings before the Tribunal?

DR. PELCKMANN: He knows the transcripts.

COMMISSIONER TAYLOR: Do you think this affidavit is relevant and material to the defense under the terms of an affidavit?

DR. PELCKMANN: True, I had already requested him as witness before the Commission, and only because the Commission stopped its hearings I could not hear him. It is entirely complex, brought up by the prosecution, was only dealt with by one witness who only gave information to a very limited extent.

COMMISSIONER TAYLOR: Then this affidavit is, in fact, the personal opinion of the affiant from his reading the records before the Tribunal. Is that correct?

DR. PELCKMANN: I say that this is not a personal opinion, but rather a personal knowledge which this person has due to his position he had in the Germanization plan, and after he has seen the points that were made by the prosecution.

COMMISSIONER TAYLOR: Let the affidavit be marked SS 71 for identification.

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DR. PELCKMANN: Next summary of affidavit CREUTZ I. 1.The Staff Main Office of the Reich Commisar was not formed in order to carry out the plan of evacuation, resettlement, confiscation, deportation, etc (page 1681 of the German transcript), because changing the Staff Main Office did not exist at the time when this matter was started.

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2. The mixup of the various resettlement measures makes it highly improbable that a common conspiracy plan was present.

3. The Staff Main Office had nothing to do with the return of Germans from foreign countries - a matter of the Volksdeutschen - had nothing to do with the extraction of an endangering influence of foreign populations which was the duty of the RSHA.

4. Himmler was made Reich Commisar, because he accidently knew the Italian Minister of Interior, Buffarini, and together with him carried out the resettlement of the population of South ~~Tirol~~ Cairo.

5. The speaches of Himmler and Metz (1918 PS) Charkow, Bad Schachen (1-70) and Posen (1919-PS) were unknown to the co-workers in the Staff Main Office and which were in opposition to their statements which suggested that peaceful regulation of minority question agreements between the various nations.

Just like the previous document, this is important according to #1 paragraph VI-A of the 13 March 1946, concerns itself with the general question as to whether the SS or parts thereof were ~~six~~ criminal. This document proves connection with the statements of the prosecution by the expert knowledge of the affiant that the statements of the prosecution were incorrect. That is, the SS had nothing to do with these matters.

COMMISSIONER TAYLOR: Let the affidavit be marked SS 72 for identification.

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DR. PELCKMANN: I also ask for the same reason that the above affidavit be translated in its entirety.

MR. TAYLOR: Let the record show that the defense is requesting that above affidavit be translated.

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DR. PELCKMANN: Next affidavit - GREIFELT I. Summary: Staff MainOf-

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. ■ fice of the Reich Commisar for securing of German race (Reich Commisar) was no office of the SS.

1. Because the 6000 employed - not more than a maximum of 600 belonged to the SS and of 15 active chiefs, only 7 belonged to the SS.

2. The racial and settlement main office of the SS would have been suitable office in this case.

3. Because the main officers were jurists or ministerial officials which were not influenced by the SS. SS settlement requests also were turned down during the war just as SA settlement requests, even though the request was supported by the order of Himmler.

4. The SS, an organization, was not called in to carry out the duties.

5. The SS members did not know the duties and organization of the Staff Main Office, because they were not informed of it.

6. Himmler himself did not mention activities of the Staff Main Office when he mentioned the affidavits of the SS in his Posen speach (1919 P.S.)

7. The national socialist year book 1941, which is 2163 P.S., which was brought up by the prosecution was not an official report and is contrary to the facts.

COMMISSIONER TAYLOR: Let the affidavit be marked SS 73 for identification.

DR. PELCKMANN: I also request that this document be translated in its entirety since it concerns itself with #1 paragraph VI-A, decree of 13 March 1946, which concerns itself with criminality of parts of the SS.

COMMISSIONER TAYLOR: Let the record show the request of defense for translation of the above affidavit.

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Affidavit of Hoffmann I.

Summary: Correction of L-49, USA 473, transcript page 1783-1684 of 20 December 1945.

1. Not "Settlement in a Polish area north of the German Iser" but "into an area within the Reich, an old German eastern province on the Rhine."

2. Not: "Emigration Center" and "Emigrant" - EW 2 (trial brief page 36) but: "Immigration Center."

b) The SS did not classify the emigrants and did not settle them but they made them citizens and their settlement was carried out by the Staff Main Office of the Reichs Commissar for the Securing of German Race (not that of the Reichsfuehrer-SS.)

3. No SS member was settled during the war.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 74 for identification.

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Affidavit of Hoffmann, Edgar.

Summary: Staff Main Office was no SS office but a Reichs office. SS or Party membership was not necessary for experts.

There was a Reichs Department that had been establishedby a decree of the Reichs Government. Refer: 686-PG, USA 305. The means were put at the disposal by the Reichs Ministry of Finance. This department had the right to negotiate business without paying fees, to give instructions to other authorities, and to pay its employees according to the tariff for public employees.

The evacuations in Alsace-Lorraine and Luxembourg were carried through by the Chief of the Civilian Administration and the Reichs Commissar was only interested in any objects of value that were left behind and in the quartering of resettlers. The people who were evacuated were supposed to be indemnified fully.

See R-114, USA 314, transcript pages 1334, 1425, 1685 and 3735.

I should like to have this affidavit translated in full because of the charge that the Main Office is an SS official department.

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COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 75 for identification and the request of counsel to have same translated be noted.

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Affidavit of Greifelt II.

Summary: The Reichscommissar for the Securing of German Folkdom was not the logical or proper authority in order to carry out the program of training of the SS for the rule of Europe to formulate it and to issue it. Refer to transcript page 1861 of the speech of Farr of 20 December 1945. Such a program of the SS is unknown to the Chief of the Staff Main Office-SS, Obergruppenfuehrer and General of Police Greifelt. He and his collaborators would have been unfit to carry out such a program as they had not agreed with it. Proof of this is that several named not purely Aryan resettlers were treated, as far as their property was concerned, like the other resettlers.

It was a special task to solve the minority question on a peaceful basis, that is, by drawing back the German minorities into the German area based on the agreements with Estonia, Latvia, the USSR, Roumania, etc. The withdrawal shows that a permanent extension of the German Frontiers had not been thought of. As applies to the rest, the treatment of the foreign nationals, the business of the RSHA.

Because of the extent of the resettlement before the war, as Greifelt was the head of the Staff Main Office, I should like to have this affidavit translated in full.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 76 for identification and the request of counsel for translation of the same be noted.

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Affidavit of Golling II.

Summary: This is a typical individual case that shows that Himmler, as the Fuehrer of the SS, could not issue any orders to the Staff Main Office but only as Reichs Commissar, that is, according to the tasks and rights that he was obliged to carry

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out as an organ of the State.

The affidavit is quite short but it is especially important to refute the charge of the indictment and I should therefore like to have it translated in full.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 77 for identification and the request of counsel for translation be noted.

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Affidavit of Greifelt III.

Summary: The planning of the Staff Main Office did not concern the evacuation and resettlement in all of Europe (See transcript page 1681 of the 20th of December 1945) but the planned amalgamation of foreign Germans into the German Area and concerned the very best amalgamation of the administration in the following order: Village, Main Village, Town, Kreistown, Province capital.

2. Range of size in agriculture. Ideal relationships between large landed property and farm property. (Preparation for land reform.)

and 12 further numbers refer to affidavit page 3 and 4.

The term: Employment of People (Menscheneinsatz) Refer Document 2640-PS, USA 323, is misleading and can be said to be due to the inner reorganizing and amalgamation of the departments, distribution of the people, plus labor employment. This means employment of people.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 78 for identification.

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Affidavit of Creutz III.

Summary: Conception of the Germanization of the official departments and by Himmler not to be in the sense of the indictment but in the sense of an avoidance of foreign national ~~xx~~ minorities. In the rest of the document 2915-PS, USA 306, transcript page 1314, this is only a periodic magazine "Deutsche Arbeit". The article by

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Koppe, transcript page 1320, concerns only the work done in the territories of the East that had been Greek amalgamated and does not concern an extension of the frontiers towards the East.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 79 for identification.

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Affidavit of Creutz II.

Summary:

The Germanization of Alsatians was not carried out by the SS, transcript pages 1334, 1424, 1685 and 3735 and in document R-114, USA 314.

The meeting concerning the directives for the treatment of resettled Alsatians that took place on 4 August 1942 was not a conference of SS officers but one in which officials of the Reichs Commissar took part. Three of the named participants of the Staff Main Office did not belong to the SS at all.

For the rest, the matters concerned are measures of the Chief of the Civilian administration.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 80 for identification.

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(A recess was taken until 1400 hours.)

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MR. TAYLOR: We will continue with presentation of affidavits on the part of the SS organizations.

DR. LAUSCHENBACH: I should like to submit the affidavit by Gille of the 13th of July, 1946.

Summary: The witness testified first as to the keeping of the convention of Geneva, as referring to the Hague War Convention by the Fourth SS Armored Corps.

Secondly, the units that were lead by him were under the command of the commando authorities of the army and that they belonged to the armored division of the Fourth SS Armored corps. The SS and armored division were both formed according to the same directives and methods.

Thirdly, the armed SS and Waffen SS were formed by soldiers, and above all by order of Colonel General Hauser, but the mass of the members of the motorized SS did not know Himmler. The 4th SS Armored Corps and the SS units lead by the witness were never inspected by Himmler. Himmler's directives of a general nature only concerned generalities. They were alien to the troops, and were, therefore, rejected by them.

Fourth, the uninterruped use of the troops in battle at the foremost front made it impossible for the militarized SS to be able to watch events that occurred outside of the area of the battle, to say nothing of the rear lines of communication. Therefore, they

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had no knowledge of any events that took place in concentration camps. During the war the SS, that is, the head of the divisions had no official connection of any kind to the concentration camps. The militarized SS had no knowledge of the activities of Himmler on a police sphere and also had no touch with police organizations.

5. The Corps and divisions of the militarized SS were amalgamated into the war army, but the mass of the militarized SS neither had any connection to the party nor to the General SS.

6. The militarized SS carried on good relationships with the civilian population of the Eastern territory and never had any political tasks, but only purely military tasks and which were carried out in a fair and decent manner.

MR. TAYLOR: Let the affidavit be marked SS 81 for identification.

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DR. LAUSCHENBACH: The next affidavit is by Von Bomhard, of the 13th of July, 1946, in which the witness testified first that the SS police regiments were purely uniformed police regiments without any connection toward the SS at all.

Secondly, the SS were only in the war because of the police regiments, and because they were given recognition by Himmler.

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Third, two-thirds of the SS police regiments were made up of reservists who had been drafted.

Fourth, personal membership in the SS was neither a requirement nor a consequence of membership in the SS police regiments.

Fifth, ~~XXXXXXX~~ Himmler is not the founder of the SS regiments, nor is he the founder of alien police corps.

Sixth, there were three kinds of police troops, groups that were mixed with aliens, and the policy of extermination was not the aim in bringing up and drawing up ~~drawing up any such~~ ~~throwing out~~ any such groups.

Seventh, extermination of certain groups of people was never taught.

Eighth, the regular SS police regiment employed in anti-partisan combat under von dem Bach Zelewski did not belong to the SS.

Ninth, in the main office of the order police there was no division for Jewish questions.

Tenth, the main office of the order police had never received any written order concerning the formation of Einsatz groups of the Security Police and SD. They were only given oral orientation, without giving the true nature of the tasks. No reports were made concerning the activities of the numerically very few people who were ordered to go on duty with them.

Eleventh, concerning the position taken towards

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some of the documents of the Prosecution it is shown that in several documents the ordinary police, the security police and the field gendarmie of the Wehrmacht had been confused.

Twelfth, awarding SS rank to members of the order police in the frame work of the war took place only under compulsion and did not mean any true member ship.

Thirteenth, the order police was never a part of the SS but remained under the inner administration of the State and in a sense always the same, that is, an executive of the State.

Fourteenth, the idea of an amalgamated SS and police, therefore, remained unrealized.

MR. TAYLOR: Do you have any objection to the affidavit.

DR. LAUSCHENBACK: I should like to have the entire affidavit translated. We have very few affidavits concerning the problem treated in this affidavit. The affidavit as submitted by Von Bomhard is very clear and complete and the Court will only get a correct impression of the affidavit by having it completely translated.

MR. TAYLOR: Let the affidavit be marked SS No. 82 for identification and the request of counsel be noted.

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DR. GAULIK: I should like to drawyour attention to the fact that Von Bomhard is the sole witness concerning police regiments, and that his name had appeared several times on the list of witnesses to be interrogated, but that he had always been rejected and that this affidavit is the sole support of the defense for SS police regiments.

MR. TAYLOR: Very well, the remarks of counsel will be noted as to the request for a complete translation.

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DR. LAUSCHENBACK: The next affidavit is an affidavit by Blume of the 13th of July, 1946. Witness Blume can testify he is a former officer of the SS police divisions and he/is one of the officers of the organization department of the Waffen SS, first, that the police divisions were in no way subordinate to the SS up to April, 1942, but as far as personnel were concerned under the order police and as far as use was concerned or employment was concerned under the army.

Second, by means of amalgamation of the SS police divisions about five thousand police officers of the order police were ordered to the WAffen SS and similarly numbers of the Luftwaffe were transferred to the WAffen SS. Blume can further testify he is a former officer of the police officers' school in Berlin-Kopeenick of 1938 and 1939, and he is a former adjutant of the inspector general of

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the protective police, and,

Third, whole classes.-

MR. TAYLOR: Does the witness make statements in here concerning the second part of your summary? You say he can testify to the facts, does he do it?

DR. LAUSCHENBACK: He makes those statements -

Third, whole classes of officers candidates were taken over in spite of numerous protests and had duty by way of the coordination measures to the SS, and ,

Fourth, that the department commanders of the police officers school in Berlin Kopeonick was relieved of this office because of his opposing attitude toward the SS service coordination measure.

MR. TAYLOR: Is there any comment on the document or any objection to it?

DR. LAUSCHENBACK: I should like to have this affidavit also translated in full as it treats of the special conditions with the SS police divisions, and, secondly, because the affidavit proves that whole classes of aspiring officers were transferred to the SS, proving that a real compulsion existed.

MR. TAYLOR: Let the affidavit be marked SS 83 for identification and the request of counsel that the same te translated will be noted.

DR. LUASCHENBACK: Are you stating now whether it is to be translated or not or is it just that the request is to be noted?

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MR. TAYLOR: If it is possible to get all of these affidavits translated they will be translated. That depends, of course, upon the translation section.

DR. LAUSCHENBACK: I am not going to ask that all of the affidavits be translated, but just a few of them, and I should like very much to have these few translated.

MR. TAYLOR: They will be submitted to the translation section for translation, and the affidavit will be marked No. 83 for identification.

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DR. LAUSCHENBACK: The next affidavit is by Steiner. Steiner hands in two affidavits and I shall submit first the one of 15 July 1946. This witness as division commander of the Waffen SS and later as ~~[illegible]~~ Commanding General of the Third German SS armored corps can testify:

First, that the building up of the WAffen SS during the war was not ~~[illegible]~~ due to any previous ~~[illegible]~~ basic planning.

Second, Himmler was competent only as far as identification, equipment and directing work was concerned.

Third, Himmler had not given any special orders to the WAffen SS concerning the manner of fighting.

Fourth, the Waffen SS troops had no idea of Himmler's sphere of ~~[illegible]~~ thought.

Fifth, Himmler was also rejected by the Waffen SS as being unacquainted with the troops and the man at the front.

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Sixth, The Waffen SS only had nebulous ideas concerning the other sectors of Himmler's sphere of power.

Seventh, the Persecution of Jews was rejected.

Eighth, the drawing up of Slavic SS Divisions shows that no extermination of Slavs had been planned.

Ninth, the Waffen SS was strictly separated from concentration camp guards.

Tenth, the Waffen SS took hardly any part in anti-partisan combat.

Eleventh, penal offenses committed by soldiers against the civilian population were prosecuted by military courts. The Commissar order was not made known to the troops.

Twelfth: Executions carried out by the Einsatz gruppe of the security police and SD and the atrocities committed in concentration camps remained unknown to the troops.

Thirteenth: The 3rd Germanic SS armored corps observed martial and international law.

Fourteenth: The Waffen SS did not take part in any policy of might of power and force.

Fifteenth: The volunteers of the Waffen SS did not enter because of any fanatical thoughts nor into the manner of fighting the party front as honorary soldiers.

MR. TAYLOR: Let the affidavit be marked Waffen SS No. 84 for identification.

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DR.LAUSCHENBACK: When you say: "For the purposes of identification an affidavit receives such and such a number" does that mean that the affidavit has been accepted and will be used in the Prosecution's final summary?

MR. TAYLOR: That is right and I don't know whether you have been advised or not but counsel for the organizations will be permitted to submit to the Tribunal all of the affidavits and the summary and the transcript prepared by the Commission in a formal presentation to the Court by the organizations, the same as you do your document books.

DR. LAUSCHENBAK: Yes, that is known to me.

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DR. LAUSCHENBACK: The next affidavit is by Steiner of the 13th of July, 1946. The witness testifies concerning the SS reserve troops before the army, as he as then commander of a regiment of the Deutschland saw and experienced these troops. He depicts xx after having been given a survey of the xixxxxxxx strength, the reasons that made volunteers enter the reserve troops, and further assures us that no xxxxxxxxxx party idealogy was xxx taught here and gives here the decisive reasons. He goes on to testify essentially as follows:

The xxxxxxxxxx authoritative Furhrer corps of the SS reserve troops came from the military and not the political sector. The Wehrmacht (army) had a full

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right of inspection and together with this influence conducted the training and conduct of the troops. The character and appearance of the reserve troops was to be distinguished primarily by soldiers, especially by Colonel General Hausser, and similarly/Himmler's education and influence on the so-called basis laws of the SS was limited. Moreover the reserve troops vied away from Himmler, because Himmler was not a soldier and never really close to the troops.

The reserve troops regarded themselves as an elite troop whose task was that of a reformatory character in a number of things concerning the old fashioned views of the army, especially in the case of the relationship between officers and men, their selection as aspiring officers and so on.

The SS reserve troops never had any police tasks and never developed any state or security police activities whatsoever. Joint discussions between the Commanders of the SS reserve troops and the heads of other sectors under Himmler's jurisdiction never took place.

On the 9th and 10th of November, 1938, the Reserve troops had assembled for the purpose of the administration of the/oath and afterwards returned as a corps to their billets, so that not a single man took a part in the excesses.

27

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At the outbreak of war the SS reserve troops had no general staff, no reserve officers, no reservists and no reserve troops prepared for the war, not even as far as training was concerned. The idea of war in itself was never glorified by them or in this group. The SS reserve troops like the entire nation were informed about the incidents that had taken place on the German-Polish border only through the press and the radio and hoped for a peaceful solution of the difference of opinion.

MR. TAYLOR: Let the affidavit be marked SS No. 85 for identification.

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DR. LAUSCHENBACH: I should now like to submit several affidavits concerning the position of higher SS and police leaders, and I should like the right of submitting one further affidavit on this topic by next Wednesday because the summary has not as yet been made.

I shall now submit the affidavit of Martin. Since the beginning of 1943 Martin had been a higher SS and police leader in Service command No. 13 in Nurnberg.

1. Besides having a task as a Fuehrer of the SS oberabschmitt, the Higher SS and police fuehrer was the representative deputy of the Reich Fuehrer SS. Practically, however, he had no authority over the police because the commanders of the order police as well as of the security police received their orders directly from the main offices of the Reich themselves. The higher SS and police fuehrers

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did not even have the authority of punishing, transferring or commanding members of the xxxx security and order police.

2. The affidavit submitted by the Prosecution of Mildner of the 22nd of June, 1945, concerning the responsibility and competency of the higher SS and police fuehrers is incorrect. Martin was a Gestapo chief and could not be in a position to charge the responsibility and competency of the higher SS and police fuehrer.

It is also incorrect that the obersturmbamfuehrer was the permanent liaison officer of the Reich Fuehrer SS and to the higher SS and police fuehrers. Martin received knowledge of the existence of a man called Eichmann only after the collapse.

3. Martin's statements refer only to the higher SS and police fuehrer within the Alt Reich, actually as before 1938.

MR. TAYLOR: Let the affidavit be marked SS No. 86 for identification.

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DR. LAUSCHENBACK: The next affidavit seen from the viewpoint of the Central office of the order police and depicts the relationship between the higher SS and police fuehrer with the authorities inside and outsidethe Reich.

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Take 5, page 14
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Affidavits

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I should like now to submit an affidavit by Von Bomhard of the 15th of July, 1946. As former chief of the Commando office of the order police in the Reich Ministry of the Interior, witness Von Bomhard can testify, first as to the creation of the offices of the higher SS and police fuehrer, and,

Secondly, that the higher SS and police fuehrer within the legal sector never had any authority of commandtoward the police authorities and the police forces under their command.

Third, that the police position within the state of the higher SS and police fuehrer is to be strictly distinguished from the party position as SS oberabschmitt fuehrer and always remained separate.

Fourth, that the higher SS and police fuehrer in the Reich had firstly to carry out mere representative tasks and that any interference in the interior state administration and in the business of police authorities was prohibited to them.

Fifth, that the higher SS and police fuehrers had no offical penal jurisdiction toward the members of the police.

Sixth, that the position of the higher SS and police fuehrer was more inclusive in the occupied areas than inside the Reich, but that conditions were different.

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Seventh, that the Commanders of the order Police did not belong to the higher SS and police fuehrers of the occupied territories and formed as commando staffs for anti-partisan battles and were personally excluded from any leadership activities or anti-partisan ~~xxxxxx~~ combat.

Eighth, that the higher SS and police ~~xxxxx~~ fuehrer was only resorted to in exceptional cases by way of police official channels.

MR. TAYLOR: Is there any objection to the affidavit?

COLONEL ORLOV: No.

MR. TAYLOR: Let the affidavit be marked SS No. 87 for identification.

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DR. LAUSCHENBACH: I should like to have the entire affidavit translated, because it is the best and the most comprehensive affidavit concerning the position of the central police office and their relation to the higher SS and police fuehrers inside and outside Germany.

MR. TAYLOR: Doesn't one of your affidavits here cover the same subject matter? Covers it in part, does it not?

DR. LAUSCHENBACH: In part, yes, but only small excerpts.

MR. TAYLOR: Let the record show that counsel requested affidavit #86 be translated.

****

DR. LAUSCHENBACH: The next affidavit is by HOFMANN. Two affidavits by Hoffman are being submitted. The second affidavit is marked #2. Summary of the first affidavit: As an SS obergruppenfuehrer and general of the Waffen SS and police ~~fuehrer, southwest~~, Hofmann was the last higher SS and police fuehrer, southwest, in service command #5. The commander of the Secubity Police in his sector received all orders directly from the Reich Main Security Office. The commander of the order police was also not subordinate to the higher SS and police fuehrer, as he was directly subordinate to the Main Office Order Police. The publication of Dr. Best's work, "die Schutzstaffel der NSDAP und die Deutsche Polezei" (in the SS of the NSDAP and German police)and in book #32 of the Administration Academy (Verwaltungs akademie) concerning the authority of the higher SS and police fuehrer (a common leadership head for SS order police and security police) does not correspond to the facts.

MR. TAYLOR: Hofmann did not appear as a witness in any of the Commission proceedings?

DR. LAUSCHENBACH: No.

MR. TAYLOR: Are there any objections to the affidavit?

COL. ORLOV: No.

MR. TAYLOR: Let the affidavit be marked SS-88 for identification.

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DR. LAUSCHENBACH: I shall now submit a second affidavit by HOFMANN, concerning the organization of the prisoners of war system after it had been taken over by Himmler. Although Himmler was appointed head of the prisoners of war system, this office remained a Whermacht office. The influence of the higher SS and police fuehrers, too, as "higher commander of prisoners of war" restricted itself to secubity measures.. Moreover the whole organization and the set up of the guard personnel remained the same and was neither supplemented nor increased by SS members. Commissioning SS Obergruppenfuehrer Pohl and Berger with tasks within the prisoners of war system did not have anything to do with their other official positions.

MR. TAYLOR: Are there any objections to the affidavit?

COL. ORLOV: No.

MR. TAYLOR: Let the affidavit be marked SS-89 for identification.

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DR. LAUSCHENBACH: I should like not to submit three affidavits concerning the topic that the reason of the behavior of SS officials towards foreign diplomats, the mass of the SS members/ could not possibly get the idea that the SS was a criminal organization. The first one is the affidavit of LOEWLE. In 1938 Koewle took part in the Reich Party rally as untersturmfuehrer and observed a visit of diplomats as guests in Camp Biwak. When the SS began to sing in a jolly spirit, the ladies and gentlemen of the diplomatic corps began to participate too. The British ambassador in Berlin, Mr. Henderson, who stood next to Koewle said, "If I were a German, I would also be an SS man."

MR. TAYLOR: Are there any objections to the affidavit submitted?

COL. ORLOV: In my opinion this affidavit has no value at all. I doubt that this affidavit has any provocative value and I am of the opinion that if the Commission submits this affidavit to the Tribunal, they will receive a reprimand.

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If some foreign diplomats - ladies and gentlemen - visited a certain camp as is said here of what importance is it. I myself, of course, am not authorized to suspect this affidavit as not being true. Perhaps the circumstances were as depicted, but even if so, what importance would it be. For example,if some foreigners visited a concentration camp - Biwak, for example, and saw only what was being shown them, they might very easily declare this or any otherconcentration camp to be a sanitorium. The people concerned in this affidavit were no SS men themselves and did not know probably what was being carried on.

DR. LAUSCHENBACH: Affidavits of this nature are of the very utmost importance for the defense of the SS. It is not important whether diplomats made statements of this effect and when they did make statements to this effect whether they knew of the terrible conditions that existed, but important is that the mass of the SS men did not know too conditions in the concentration camp, but only knew of conditions as they were being shown to visitors. Therefore, they, too, drew the same conclusions from what they had seen, as the foreign visitors did and in drawing these conclusions and in seeing only what the visitors saw, they had to believe that the SS was an organization that was recognized abroad and not a criminal organization.

MR. TAYLOR: We have the objection of the prosecution and that will benoted in the record and reference made thereto. The affidavit will be marked SS-90 for identification.

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DR. LAUSCHENBACH: The next affidavit is affidavit by ESCHHOLDT #2. In 1938, Eschholdt took part in the Party rally and in receiving the diplomatic corps. The then Polish ambassador, Lipski, gave an address in the name of the diplomatic corps in which he expressed his praise and recognition of the SS, emphasized the virtures of the SS especially, and stressed that it was an honor for the diplomatic corps to be allowed to be in the circle of this elite of the

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German nation. The good reputation that the SS had was found and confirmedthat night. Eschholdt said ~~ix~~ if he were a German, he would also belong to the SS. Towards the end, a toast was drunk to the SS. None of those present, SS members could, after what had just been experienced, supposed that they belonged to a criminal organization, but on the other hand they had leaned to the impression that this organization was respected in the entire world.

MR. TAYLOR: Are there any objections to the affidavit?

COL. ORLOV: The objection is the same as I made to the other affidavit.

MR. TAYLOR: The objection of this affidavit by prosecution is noted as being the same objection as to SS-90, for further reference. The affidavit will be marked SS-91 for identification.

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DR. LAUSCHENBACH: The next affidavit also is ESCHHOLDT #3. Summary: In September 1936, Lloyd George appeared on the occasion of an assembly ~~xx~~ of the General SS of the Oberabschnitt southwest in Cannstatt near Stuttgart. ~~xxxxxxxxx~~ At his request, he watched a parade and afterwards talked to the SS fuehrers of which Eschholdt also was one and expressed his special praises.

COL. ORLOV: I can only repeat the objection that I made to the two previous affidavits.

MR. TAYLOR: The objection of the prosecution being made to SS-92 is noted and will be used for further reference by the Commission. The Commission is of the opinion that the last three affidavits are not relevant; they are more or less personal opinion of what the affiants heard somebody say. Does counsel think that they are relevant and material to the defense?

DR. LAUSCHENBACH: Yes, I'm of the opinion that they are. The witnesses made observations that were at the same time made by large numbers of SS fuehrers and men. In this morning's session the affidavit submitted by Kamp and Franz also contained statements as to missions of foreign personalities concerning this

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organization and in the comprehensive affidavit that is going to be submitted next week, there will be a number of such statements of personal impressions and observations.

MR. TAYLOR: Very well, I just wanted to get your idea.

DR. LAUSCHENBACH: The next two affidavits are two affidavits in proofof the utmost maintenance of secrecy within SS. The first one made by MEINE I. Meine was the representative of the personal consultant of the Reich Fuehrer SS. Not even the Reich Minister of Justice had the right to visit the concentration camp without the expressed permission of Reich Fuehrer SS. If such a visit had been authorized, Himmler gave the instruction to the concentration camp in question via the Reich Main Security Office that the Jewish quarters and other places of political importance, especially the installations for destructions were not to be shown to the Reich Minister of Justice. After any such visit, report had to be made concerning the observance of this secrecy

MR. TAYLOR: Are there any objections to the affidavit?

COL. ORLOV: No.

MR. TAYLOR: Let the affidavit be marked SS-93 for identification.

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DR. LAUSCHENBACH: The next affidavit by MEINE II. Meine was representative of the personal consultant of the Reich Fuehrer SS. Only the main officers from NSS Gruppenfuehrer on within the jurisdiction of Himmler were, as a rule, invited to the so-called SS Gruppenfuehrer meetings. Meine, in spite of his belonging to the very closest circle surrounding Himmler, had never been allowed to participate at any such meeting.

MR. TAYLOR: Any objection to the affidavit?

COL. ORLOV: No objection.

MR. TAYLOR: Let the affidavit be marked SS-94 for identification.

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DR. LAUSCHENBACH: I am now submitting two affidavits concerning the SS maidens and should like to point out that these SS maidens are in no way to be confused with the female guards in concentration camps, and that these SS maidens carried out the same functions that the female auxilliary troops carried out within the Army, and that they had no inner relation to the SS. The affidavits submitted by Mathilde Dohlmacher and Josephine Riedmaier. Both of them were as a matter of fact employed in the wireless office of the staff of the concentration camps, but had nothing to do with the personnel of the camp, especially with the female guards. The area within the fence where the inmates were quartered was not allowed to be entered by these SS maidens.

MR. TAYLOR: Any objection to the affidavit?

COL. ORLOV: No objection.

MR. TAYLOR: Let the affidavit be marked SS-95 for identification.

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DR. LAUSCHENBACH: The next affidavit, an affidavit by RUTH BRINKMANN. SS-maidens were not employed as guards in concentration camps, but had the same duties as the signal and staff women's auxilliary of the other Army groups. They were neither members nor paying members of the SS and did not pay any dues.

MR. TAYLOR: Any objection to the affidavit?

COL. ORLOV: No Objection.

MR. TAYLOR: Let the affidavit be marked SS-96 for identification.

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DR. LAUSCHENBACH: I should now like to present two documents concerning the fact that the fuehrers of even war veterans' organizations, such as for example, the Kyffhaenser organization only became formal and honorary fuehrers without having any other relationships. The affidavit by REINHARD - Since the 27th of January 1934, Reinhard had been head of the Reich Veterans Organization (Kyffhaeuser), registered organization; that is an organization of soldiers of the

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first world war for comradeship, tradition, and welfare. This organization had about three million members. After this organization was first placed under the jurisdiction of the SA as SA reserve, Reinhard tried in general from 1934 to 1936 to accomplish the jurisdiction of this organization under the Wehrmacht, and without finding any support against the constant attacks by Party authorities. Finally he asked Himmler to take over the sponsorship of this organization. Himmler consented, but asked of the fuehrers of the Reich Veterans Organization that they enter the SS. The relatively few members of the organization who entered the general SS thereupon did not carry out any SS service nor did they have any relationship to the SS. After about nine months, the jurisdiction of the organization under Himmler came to an end. The organization was now placed directly under the jurisdiction of Hitler as the NS-War Veterans' Organization (Kyffhaeuser).

COL. ORLOV: No objections.

MR. TAYLOR: Let the affidavit be marked SS-97 for identification.

****

DR. LAUSCHENBACH: The next affidavit by VON BEHR--from November 1933 until August 1941, von Behr was staff fuehrer with the Reich War Veterans' leader, General Reinhard. After vain attempts by Reinhard to bring about the sponsorship of the Wehrmacht over this organization in order to defend the organization from attacks by Party members, Reinhard asked Himmler to assume sponsorship of this organization. Himmler concented, but asked of the fuehrers of this organization that they enter the SS. These fuehrers formed a special corps within the SS with the badge of the Hyffhaeuser organization on their sleeves. The tasks of the organization remained the same without expansion as they had been before being taken over by the SS. Although it was known abroad that most of the fuehrers in the Reich Veterans Organization and also a part of the members belonged to the SS, the foreign war veterans' organization carried on freely relationship with the Reich Veterans Organization. For example, the British legion, for as late as the

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apring of 1939, invited a delegation of the Reich Veterans Organization to a visit to England.

COL. ORLOV: The affidavit is cumulative to SS-97. I don't believe that it is useful.

DR. LAUSCHENBACH: The first affidavit has been given by the head of the Reich War Veterans Organization himself, and the second one by the chief of staff. The second one does not only refer to the testimony that Reinhard made in the first affidavit, but also to the relationship of this organization to the foreign war veterans' organization.

MR. TAYLOR: The objection of the prosecution is noted in the record and reference made thereto. Affidavit will be marked SS-98 for identification.

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DR. LAUSCHENBACH: The next two affidavits submitted show that the monies received for work done by concentration camp inmates was not expended by the SS, but like other State revenue went into the Reich treasury. The first affidavit by FRANK goes up to August 1943; the second affidavit by FANSLAU concerns itself with the time after September 1943. The affidavit by FRANK * Frank was chief of office group A in the economic administration main office (troop administration from the 31st of January 1942 to August 1943). In office group A, there comprised the sectors budges, accounts, administrative law, examination of the Reich treasuries and personal identifications. The monies coming in from the employment carried out by inmates were booked for the budget of the Reich and not given to the SS. Moreover the office group A had nothing to do with concentration camps nor did it have any knowledge of the number, place, and number of inmates in concentration camps and events that occurred in them.

The second affidavit by FANSLAU confirms and supplements the affidavit of Frank for the time after September 1943.

MR. TAYLOR: Any objections to the two affidavits?

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COL. ORLOV: No objections.

MR. TAYLOR: Let the affidavit of Frank be marked SS-99 for identification. The affidavit of FANSLAU will be marked SS-100 for identification.

We will take about a ten minute recess.

Recess: 1555 hours

H1051-0042

DR. RAUSCHENBACH: The next affidavit treats of the Group Lebensborn mentioned by the prosecution in its indictment without having been charged without any special crimes, however; and for this reason it would also have to be mentioned by the defense. From March 1943 until April 1945 Dr. Staudte was legal consultant in Lebensborn and, in carrying out his work inside into the activities and aims of Lebensborn, gathered:

First, the tasks of Lebensborn founded by Himmler in 1936 as a common organization, were:

a. The support of racial families that were valuable for hereditary and had many children.

b. The protection of expectant mothers valuable from a racial and hereditary standpoint, as then equally valuable children were to be expected.

c. The care of these children.

d. The care for their mothers.

e. The care for bereaved of fallen SS men. For this purpose the Lebensborn had homes for mothers and children.

Second, about one-half of the children were illegitimate, the other half were legitimate. The third work of Lebensborn was not confined to the SS. Every expectant mother should apply for admission to Lebensborn. Fourth, Lebensborn made those difficulties for expectant mothers easier, which society has found from experience gave them, by keeping pregnancy and birth secret

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as long as possible. Fifth, no political influence was exerted on the mothers. They also were not asked to separate from their children. Sixth, Lebensborn did not have the aim of promoting and enabling extra-marital conception. The institutes of Lebensborn were no conception institutes. However, occasionally applications of women were received, applying for a partner for conception of children. But they were without exception rejected for the reason that Lebensborn did not concern itself with such mediation.

COMMISSIONER: Any objection to this affidavit? (No objection).

COMMISSIONER: Let the affidavit be marked SS-101 for identification.

* * * * *

DR RAUSCHENBACH: I shall submit two affidavits that concern themselves with the voluntary self-protection organization in the Sudeten. The prosecution has termed this self-protection, or voluntary organization, a forerunner or part of the SS, and as being a fifth column. The first affidavit of Schulmeister. Schulmeister is a Sudeten German. On the 15th of October 1938 he entered the General SS after having been a member of the Sudeten German Party since May 1938, and a number of the voluntary self-protection groups since July 1938. In September 1938 Sudeten

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German men, especially unemployed, crossed the border into the Reich. Evidently they entered the Sudeten German Free Corps in the Reich. After the occupation of the Sudeten German territory by German troops these members of the Free Corps returned to their country, not in groups, however, but individually and in SA uniform. As far as members of the Free Corps had connection with the SS, these can only have been a few individual cases.

The voluntary self-protection group (FS) of the Sudeten German Party was founded as self-protection for political meetings. They were not uniformed and had no definite directors of training.

The statements of SS-Gruppenfuehrer Karl Hermann Frank in his article in which he says that the FS were essentially trained according to principles of the SS, is in no way correct as applies to true conditions. The FS is neither a terror organization nor was it a forerunner of the SS.

COMMISSIONER: Any objections? Then let the affidavit be marked SS-102 for identification.

* * * * *

DR. RAUSCHENBACH: Next is the affidavit of Kubitz. Kubitz was a lawyer in the Volksdeutsche Mittelstelle, an organization for the repatriation and welfare of racial Germans, that had to carry out the transfer of money

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to German minorities in European countries. The FS was an officially recognized state militia organization in the Slovak state as early as the end of 1938, and as such was placed under the jurisdictionof the Slovak Minister of the Interior. The FS was an AMT. The FS was never a part of the SS, and had no relationships whatsoever to the SS. The Germans in the Slovak state were not drafted into the Waffen-SS until the year 1943.

COMMISSIONER: Any objection to the affidavit?

(No objection).

Let the affidavit be marked SS-103 for identification.

* * * * *

DR RAUSCHENBACH: I shall now submit two affidavits that concern themselves with the 9th of November 1938, the Jewish Pogram. Other affidavits concerning this topic have been submitted prev iously, but concern themselves with the different localities of the SS. The first is by Lott.

Summary: The SS in Offenburg/Baden did not take part in the Jewish action of the 9th of November 1938. On the 10th of November the alarm was given to the SS Storm and used for the protection in the guarding of the synagogues and the protection of nearby flats of the Jews. Persons who looted were

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were prevented from taking the things away and were induced to return them to where they had taken them from.

COMMISSIONER: Any objections to the affidavit?

COL ORLOV: No objections.

COMMISSIONER: Let the affidavit be marked SS-104 for identification.

* * * * *

DR RAUSCHENBACH: The next affidavit is by Eschholdt. As fuehrer of the SS-Standarte and SS Standortfuehrer in Nurnberg, Eschholdt took part in the administration of the oath to the SS applicants on the 9th of November 1938 in Nurnberg. According to an order by Himmler all the participants during this administration of oath went home (that was the entire SS in Nurnberg), so that the SS in the Nurnberg-Fuerth area did not hear of the Jewish action until the 10th of November. On the 10th the order was received that the General SS was to be employed to prevent looting of Jewish property. SS Oberscharfuehrer Hacker, who had taken part in the Jewish action against orders, was expelled from the SS and sentenced to one year imprisonment for the appropriation of Jewish property, and also was handed over to a concentration camp by a decree of the Reichfuehrer SS after he had finished his sentence.

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COMMISSIONER: Any objections to this affidavit?

(No objection)

COMMISSIONER: Let the affidavit be marked SS-105 for identification.

* * * * *

DR. RAUSCHENBACH: The next affidavit is that of Hederich. Hederich worked on the NS Annual up to the year 1939. The NS Annual was a publication issued according to certain calendar periods for the general information, without there being information contained therein -- being of a kind that might be called organizing or being called exact and reliable. The NS Annual was no official organ.

In connection with this affidavit I should like to say that the prosecution have made a charge that the statements in the NS Annual represent actual facts and occurrences.

COMMISSIONER: Any objections to the affidavit?

(No objection).

Then let the affidavit be marked SS-106 for identification.

* * * * *

DR. RAUSCHENBACH: Affidavit by Mrugowsky. Mrugowsky was head of the Hygienic Institute of the Waffen-SS, as SS Oberfuehrer of the Waffen-SS.

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Mrugowsky relates numerous examples of how in all countries and at all times biological experiments were carried out on people if animal experiments did not lead to any goal, and the results were especially important for humanity. I should like to have the entire affidavit translated.

COMMISSIONER: Are there any objections to the affidavit?

COL ORLOV: I should like to read the affidavit. (Reads.)

No objection.

COMMISSIONER: Let the affidavit be marked SS-107 for identification.

And the request for translation is noted in the record.

* * * * *

DR RAUSCHENBACH: The next affidavit by von Bomhard. It says that the SS had nothing to do with the action for the recruiting of labor which were carried on by the organization Sauckel, together with the Reich Commissars in the East. The action was carried out by the German civilian administration, with the collaboration of the local mayors and the country's own protection squads controlled by the German order and security police.

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COMMISSIONER: Any objections to the affidavit?

COL ORLOV: No objection.

COMMISSIONER: Let the affidavit as submitted be marked SS-108 for identification.

* * * * *

DR. RAUSCHENBACH: That completes the affidavits.

COMMISSIONER: I understand you have one more affidavit you want to submit between now and Wednesday.

DR. RAUSCHENBACH: Just one which relates to the police fuehrer. Andthen there probably will be a few others. The witnesses have not as yet arrived.

COMMISSIONER: I think you have quite a few here already.

DR. RAUSCHENBACH: There can be only but very very few more.

COMMISSIONER: The Commission adjourns until ten o'clock tomorrow.

* * * * *

The foregoing is a true a nd correct transcript of Affida vits submitted by DR. PELCKMA NN, taken on 26 July 1946.

Reporter (pp 1-5

Reporter (pp 6-9

Reporter (pp 10-13 + 32-40

Reporter (pp 14-17

CERTIFIED TO :

Commissioner

H1051-0050

H1051-0051

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATION, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

COMMISSIONER:

Mr. George R. Taylor.

THE S.S.

(The Commission convened at 1000 hours and waited until 1040 hours for the prosecution's attorney for the SS. The prosecution failed to appear in the Commission and the Commissioner proceeded to hear the affidavits on the part of the SS without the prosecution being present.)

COMMISSIONER TAYLOR: Dr. Pelckmann, you may proceed with the presentation of your affidavits concerning the SS.

DR. PELCKMANN: I want to submit a few affidavits concerning concentration camps.

First, my proposal to obtain files and sentences of the military courts against members of the concentration camps and guard units, such as in Belsen, Mauthausen, Dachau, Neriengamme, Celle, Rastah, Wuppertal, (Struthoff-Natgweiler) was turned down.

My request to look through the documental material of the SS in the allied document circles was refused by the Bureau of the General Secretary for security reasons.

In order to refute the prosecution's claim that the mistreatment, single murders and mass murders in the concentration camps, were a system and that the entire SS was guilty of that crime and that these facts were known to the great mass of the SS people, I could not use the written material for the above mentioned reasons.

Through my systematical checking of all witnesses who have been brought to Nurnberg and by checking parts of the affidavits from the camps made it possible for me to bring out facts, which are suited for the repudiation of the prosecution's claim.

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Lord Justice Lawrence stated in the session of January 29th (page 3517 of the German transcript) that he expected sentences and evidence from the defense concerning the concentration camps. On page 3493, he stated upon the questioning of the French prosecutor, Dubost, if the court was of the opinion that the same conditions were in the other concentration camps that had been described by two witnesses. He answered if Mr. Dubost did not want to prove that, then he would have to bring a witness from each of the hundreds of concentration camps. Following these lines, I handed to the court a number of affidavits by a number of SS guard units, command post members, camp inmates and occasional visitors of the concentration camps. This counter evidence concerns itself, just as the prosecution evidence does, with only a limited number of camps.

Today, I hand over a sworn affidavit by the former commandant of the concentration camp in Sachsenhausen since 1942, Anton Kaindle, in which he described the basic administration of this camp and the camps in general. In this affidavit he gives his position concerning the statements of the prosecution.

I also present three sworn affidavits of the SS Judge, Dr. Konrad Morgen and one each from Dr. Werner Paulman and Dr. Werner Hansen. These affidavits state that after 1943 the SS courts went after any signs of corruption in the concentration camps and in this connection found out concerning the mistreatment, killings and mass murders in some of the concentration camps. They describe in detail, due to their month long investigations, which were carried out in some concentration camps, their close contact with the prisoners and the actual happenings in the concentration camps (authority of food, orders and work) and special crimes. They also describe how these crimes could occur, what certain persons were responsible and how it was possible that these crimes were kept secret from the public for years and therefore were also kept secret from the individual SS men.

They also describe, in this connection, the opposition met from the responsible leaders of the concentration camps against these investigations and list points in which these decrees of mass exterminations came.

On the other hand, these sworn affidavits prove that this knowledge

H1051-0053

of the judges was not known to the public and therefore was not known to the individual SS men and that the secret remained within a small circle that was sworn to secrecy in the main office SS court.

Dr. Morgan arrived in Nurnberg on July 1st from a camp and I therefore could not use him as a witness before the commission.

Since the indictment against the concentration camp complex is especially strong and since up to now, due to the already mentioned former hindrances which the defense has met and due to the fact that the actual occurances and the claim that this whole entire matter was unknown to the public and therefore also to the SS men is so hard to understand for the person that is not familiar with this matter and to the foreigner, who is not familiar with the German conditions, I beg that all six affidavits be translated in their entirety due to their importance.

COMMISSIONER TAYLOR: Dr. Pelckmann, you have three affidavits here from Dr. Konrad Morgen. I understand that they are supposed to explain the condition of the concentration camps. Is that correct?

DR. PELCKMANN: Only partly.

COMMISSIONER TAYLOR: You have an affidavit from Dr. Werner Paulman. Tell us briefly what is the contents of this affidavit?

DR. PELCKMANN: This affidavit of Dr. Paulman shows that the SS judges found out about the mass killings and individual killings in the concentration camps and that it was very hard for these people as judges to find out the true facts in the concentration camps. I explained all these reasons clearly in the letter, which I just presented.

COMMISSIONER TAYLOR: Dr. Pelckmann, what was your last affidavit number for the SS on the affidavits you have already submitted?

DR. PELCKMANN: I have submitted 63 affidavits.

COMMISSIONER TAYLOR: Let the affidavit by Dr. Werner Paulmann be marked SS Affidavit No. 64 for identification.

The three affidavits of Dr. Konrad Morgen will be marked SS Affidavits Nos. 65, 66 and 67 for identification.

Let the affidavit of Anton Kaindl be marked SS Affidavit No. 68 for identification.

H1051-0054

Let the affidavit of Dr. Werner Hansen be marked SS Affidavit No. 69 for identification.

The record will show that the defense counsel has requested that the above mentioned and numbered affidavits be translated.

COMMISSIONER TAYLOR: Doctor, can you reduce the summaries a little more, as you are going to have an awful long record here. You know, I have got to summarize these affidavits, and judging from the size of this, it is not a summary, but this is a brief of the affidavit.

DR. PELCKMANN: I did not even read my summary as yet.

COMMISSIONER TAYLOR: I know you have not read your summary, but I am making a preliminary request to find out whether you can reduce your summary.

DR. PELCKMANN: The Judge will see immediately the value for this matter here, if I read the short summary. That is the one page.

COMMISSIONER TAYLOR: I know, Dr. Pelckmann, but is this an affidavit (showing a file).

DR. PELCKMANN: Yes, this is one affidavit, but the Commission will see why the affidavit is so long, and if you will just let me explain.

COMMISSIONER TAYLOR: How many of these affidavits do you have that are as big as this one.

DR. PELCKMANN: Not one. Only this one. May I read my summary?

COMMISSIONER TAYLOR: Yes, go ahead, Doctor.

DR. PELCKMANN: I submit an affidavit which has been made by the witnesses Kampp and Franz, both of judiciary qualities, and both were interned in Camp 73, Kornwesterheim, and are now witnesses here in the witness wing, and have made a complete summary of the sworn affidavits from the affidavits received from Camp 73 of the SS men that are interned there. I beg that this affidavit be translated in its entirety. It is not possible to make a summary of this affidavit, and to submit that, since the affidavit concerns itself with virtually all the prosecution claims against theSS;

H1051-0055

concerns itself with one point only, shortly, and it saves the submission of thousands of affidavits, and, therefore, is a basis for a fair hearing. I shall submit next week a summary of over one-hundred thousand collective declarations, and evaluation of over ten-thousand individual affidavits, which work is still being done currently in the witness wing under the leadership of the witnessReinecke, and the work is being done by fifteen men witnesses who have judicial qualities. This summary will be an important addition, and is without a doubt the first broad basis of evidence which concerns itself mostly with numbers and small key words, but not too much text, therefore, it is absolutely necessary that the submitted affidavit of Franz be translated entirely, because it gives a complete description to its text, or content.

MR. TAYLOR: Let the affidavits of Kampp and Franz be marked SS No. 70, for identification, and request of counsel to have the same translated be noted. Dr. Pelckmann, let me ask you a question. Do you intend by your other summary to cover the same facts contained in this affidavit?

DR. PELCKMANN: Yes, I am going to submit other affidavits. However the other affidavits will not be quite as understandable unless this affidavit is admitted inconnection with it in order to give the translation of the entire text an explanation inits entirety.

MR. TAYLOR: Proceed with the next affidavit.

DR. PELCKMANN: I state the following: I had asked for Kampp and Franz to be witnesses for the court as typical representatives of the SS people, and they were supposed to say what they state now in this affidavit before the court, and, apparently, last week instead of hearing the witnexxes before the Commission, to have them make up an affidavit as typical members of the SS, instead of the hearing before the Commission. The next affidavits concern themselves with the great , strong indictment of germaniza tion. The first affidavit is Golling I, and I give the following summary:

MR. TAYLOR: How many affidavits, do you have. Are they all of the same person?

DR. PELCKMANN: No, not the same person.

H1051-0056

MR. TAYLOR: You are not summarizing this document, Doctor, you are writing a brief on these things.

DR. PELCKMANN: I want to state for the record that the prosecution has used several days presenting documents, and witnesses against this particular point. I don't think that the defense is asking for too much if it asked for a few documents, and a few summaries to be translated. The measures of the staff Main Office were not suited to carry out the plunderin depredations, germinizations, and persecution of races.

1. The economic exhaustion of the occupied countries was a matter for the Ministry of Commerse, Speer and Goering (see Transcript page 1298).

2. A treatment of the Poles in the Eastern territories that were in a part of the Reich, which was a matter for the RSHA. Himmler forbade the Staff Main Office to interfere in these questions, and, therefore, was not informed of the evacuation of the Poles. The evacuations forbidden in the beginning of 1941 sofaras the evacuations were carried out, there were regulated re-settlements into the general government from a thing different from the re-settlement from the Czechoslovakia of today.

3. Depredation of Poles of forced labor were not carried out by the staff Main Office, and were in opposition to its duties. Since 500,000 German resettlers camps had to be placed as it were, which were re-settlement camps without work and without homes.

Depredations. 4. The German peoples list was not carried out by the SS (claim of the prosecution on page 1318 of the German transcript) but it was carried out by the offices of the Reichministry of Interior. In this case it was no racial persecution. Since the reports as to these lists were voluntary, and only for people with German ancestry, the row of those Germans which did not report for this to the Gestapo according to the decree of 16 February 1942 (R-112 USA 309, Decree No. 1) is not in opposition to this, since this was purely a Poles measure, and was aimed against draft dodgers. The decrees Nos. 2 and 3 of this Gestapo were also listed in this connection, were in opposition to the ideas of the Staff Main Office, and, therefore, were not carried out.

5. The settlements of Germans was not carried out, nor was anything later on confiscated for that.

H1051-0057

PEICKMANN: VI. Confiscation of Polish property was carried out neither through the SS nor the Staff Main Office but a representative of the four-year plan and by the Reich Food Minister. The right for confiscation of the Reich Commissar did not lead to changing of ownership or property which did not lead to evacuation, deportation or settlement of racial Germans. In other words, it was a prize given to good Nazis (page1319 of the German transcript). It rather was a measure against the General Administrator of the confiscated property in order to house the resettlers professionally during the War. The list in R-92, USA-312, pages 12 and 13, only shows the extent of the funds and property which were administered by the General Administrator. The property which was confiscated within the area of the four land offices concerned itself only with the confiscation of more important areas for the use of troop training places, airports, and armament industry, which were carried out in the same extent in the Reich itself. In addition to that, according to paragraph 8, #2 - R-92, confiscations were forbidden principly. This list concerns itself not only with four land offices, but it concers itself with entire Eastern areas which were once again put under German protection. As far as confiscations were carried out in this case, then, a full retribution was planned.

VII. In opposition to that, Document 1352-PS USA-176 (transcript pages 1056, 1324 and 1684) cannot prove the carrying out of confiscations or deportations by the SS since this was only a suggestion by an unimportant person by the name of Kusche, who was no SS member and who was relieved because he was not suited for his position. The suggestions were turned down.

VIII The confiscation of valuable matters (R-143, Trial Brief against the SS, page 34) was not carried out by the SS, but by the Haupttreuhand-stelle East. In this case it was solely a relisting of the confiscations orders by the RSHA. These art treasures, by the way, were not plundered, but were sent to museums. Since this affidavit concerns itself, as you have seen already in the summary, with various single points of the indictment, I would like to ask you to have this document translated in its entirety.

COMMISSIONER TAYLOR: What does this witness know personally about the records of the proceedings before the Tribunal?

H1051-0058

PELCKMANN: VI. Confiscation of Polish property was carried out neither through the SS nor the Staff Main Office but a representative of the four-year plan and by the Reich Food Minister. The right for confiscation of the Reich Commissar did not lead to changing of ownership or property which did not lead to evacuation, deportation or settlement of racial Germans. In other words, it was a prize given to good Nazis (page 1319 of the German transcript). It rather was a measure against the General Administrator of the confiscated property in order to house the resettlers professionally during the War. The list in R-92, USA-312, pages 12 and 13, only shows the extent of the funds and property which were administered by the General Administrator. The property which was confiscated within the area of the four land offices concerned itself only with the confiscation of more important areas for the use of troop training places, airports, and armament industry, which were carried out in the same extent in the Reich itself. In addition to that, according to paragraph 8, #2 - R-92, confiscations were forbidden principly. This list concerns itself not only with four land offices, but it concers itself with entire Eastern areas which were once again put under German protection. As far as confiscations were carried out in this case, then, a full retribution was planned.

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COMMISSIONER TAYLOR: What does this witness know personally about the records of the proceedings before the Tribunal?

H1051-0059

DR. PELCKMANN: He knows the transcripts.

COMMISSIONER TAYLOR: Do you think this affidavit is relevant and material to the defense under the terms of an affidavit?

DR. PELCKMANN: True, I had already requested him as witness before the Commission, and only because the Commission stopped its hearings I could not hearhim. It is entirely complex, brought up by the prosecution, was only dealt with by one witness, who only gave information to a very limited extent.

COMMISSIONER TAYLOR: Then this affidavit is, in fact, the personal opinion of the affiant from his reading the records before the Tribunal. Is that correct?

DR. PELCKMANN: I say that this is not a personal opinion, but rather a personal knowledge which this person has due to his position he had in the Germanization plan, and after that he has seen the points that were made by the prosecution.

COMMISSIONER TAYLOR: Let the affidavit be marked SS 71 for identification.

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DR. PELCKMANN: Nextsummary of affidavit Creutz I. The Staff Main Office of the Reich Commissar was not formed in order to carry out the plan of evacuation, resettlement, confiscation, deportation, etc. (page 1681 of the German transcript), because changing the Staff Main Office did not exist at the time when this matter started.

2. The mixup of the various resettlement measures makes it highly improbable that a common conspiracy plan was present.

3. The Staff Main Office had nothing to do with the return of Germans from foreign countries - a matter of the Volksdeutschen - had nothing to do with the extraction of an endangering influence of foreign populations which was the duty of the RSHA.

4. Himmler was made Reich Commissar, because he accidentally knew the Italian Minister of Interior, Buffarine, and together with him carried out the resettlement of thepopulation of South Cairo.

5. The speeches of Himmler and Metz (1918-PS) Charkow, Bad Schachen (1-70) and Posen (1919-PS) were unknown to the co-workers inthe Staff Main

H1051-0060

Office and which were in opposition to their statements which suggested that peaceful regulation of minority question agreements between the various nations.

Just like the previous document, this is important according to #1 paragraph VI-A of the13 March 1946, concerns itself with the general question as to whether the SS or parts thereof were criminal. This document proves connection with the statements of the prosecution by the expert knowledge of the affiant that the statememts of the prosecution were incorrect. That is, the SS had nothing to do with these matters.

COMMISSIONER TAYLOR: Let the affidavit be marked SS 72 for identification.

DR. PELCKMANN: I also ask for the same reason that the above affidavit be translated in its entirety.

MR. TAYLOR: Let the record show that the defense is requesting that above affidavit be translated.

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DR. PELCKMANN: Next affidavit - Greifelt I, Summary: Staff Main Of-

H1051-0061

fice of the Reich Commissar for securing of German Race (Reich Commissar) was no office of the SS.

1. Because the 6000 employed -not more than a maximum of 600 belonged to the SS and of 15 active chiefs, only 7 belonged to the SS.

2. The racial and settlement main office of the SS would have been suitable office in this case.

3. Because the main officers were jurists or ministerial officials which were not influenced by the SS. SS settlement requests also were turned down during the war just as SA settlement requests, even though the request was supported, by the order of Himmler.

4. The SS, an organizatior, was not called in to carry out the duties

5. The SS members, did not know the duties and organization of the Staff Main Office, because they were not informed of it.

6. Himmler himself did not mention activities of the Staff Main Offic when he mentioned the affidavits of the SS in his Posen speach (1919 P.S.)

7. The national socialist year book 1941, which is 2163 P.S., which was brought up by the prosecution was not an official report and is contrary to the facts.

COMMISSIONER TAYLOR: Let the affidavit be marked SS 73 for identification.

DR. PELCKMAN: I also request that this document be translated in its entirety since it concerns tiself with #1 paragraph VI-A, decree of 13 March 1946, which concerns itself with criminality of parts of the SS.

COMMISSIONER TAYLOR: Let the record show the request of defense for translation of the above affidavit.

H1051-0062

Affidavit of Hoffman I.

Summary : Correction of I-49, USA 473, transcript page 1783-1684 of 20 December 1945.

1. Not "Settlement in a Pol h area north of the German Iser" but "into an area within the Reich, an old German eastern province on the Rhine".

2. Not "Emigration Center" and "Emigrant" -EW 2 (trial brief page 36), but : "Immigration Center".

b) The SS did not classify the emigrants and did not settle them but they made them citizens and their settlement was carried out by the Staff Main Office of the Reichs Commissar for the Securing of German Race (not that of the Reichsfuehrer-SS)

3. No SS member was settled during the war.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 74 for identification.

Affidavit of Hoffmann, Edgar.

Summary : Staff Main Office was no SS office but a Reichs office. SS or Party membership was not necessary for experts/

There was a Reichs Department that had been established by a decree of the Reichs Government. Refer : 686-PG, USA 305. The means were put at the disposal by the Reichs Ministry of Finance. This department had the right to negotiate business without paying fees, to give instructions to other authorities, and to pay its employees according to the tariff for public employees.

The evacuations in Alsace-Lorraine and Luxembourg were carried through by the Chief of the Civilian Administration and the Reichs Commissar was only interested in any objects of value that were left behind and in the quartering of resettlers. The people who were evacuated were supposed to be indemnified fully.

See R-113, USA 314, transcript pages 1334, 1425, 1685 and 3735.

I should like to have this affidavit translated in full because of the charge that the Main Office is an SS official department.

H1051-0063

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 75 for identification and the request of counsel to have same translated be noted/

Affidavit of Greifelt LL.

Summary : The Reichscommissar for the Securing of German Folkdom was not the logical or proper authority in order to carry out the program of training of the SS for the rule of Europe to formulate it and to issue it. Refer to transcript page 1861 of the speech of Farr of 20 December 1945. Such a program of the SS is unknown to the Chief of the Staff Main Office-SS, Obergruppenfuehrer and General of Police Greifelt. He and his collaborators would have been unfit to carry out such a program as they had not agreed with it. Proof of this is that several named not purely Aryan resettlers were treated, as far as their property was concerned, like the other resettlers.

It was a special task to solve the minority question on a peaceful basis that is, by drawing back the German minorities into the German area based on the agreements with Estonia, Latvia, the USSR, Roumania, etc. The withdrawal shows that a permanent extension of the German Frontiers had not been thought of. As applies to the rest, the treatment of the foreign nationals, the business of the RSHA.

Because of the extent of the resettlement before the war, as Greifelt was the head of the Staff Main Office, I should like to have this affidavit translated in full.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 76 for identification and the request of counsel for translation of the same be noted.

Affidavit of Golling II.

Summary: This is a typical individual case that shows that Himmler, as the Fuhrer of the SS, could not issue any orders to the Staff Main Office but only as Reichs Commissar, that is, according to the tasks and rights that he was obliged to carry out as an organ of the State.

The affidavit is quite short but it is especially important to refute the charge of the indictment and I should therefore like to have it trans-

H1051-0064

lated in full.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 77 for identification and the request of counsel for translation be noted.

Affidavit of Greifelt III.

Summary : The planning of the Staff Main Office did not concern the evacuation and resettlement in all of Europe (See transcript page 1681 of the 20th of December 1945) but the planned amalgamation of foreign Germans into the German Area and concerned the very best amalgamation of the administration in the following order : Village, Main Village, Town, Kreistown, Province capital.

2. Range of size in agriculture. I deal relationships between large landed property and farm property. (Preparation for land reform.)

and 12 further numbers refer to affidavit page 3 and 4.

The term : Employment of People (Menscheneinsatz) Refer Document 2640-PS, USA 323, is misleading and can be said to be due to the inner reorganizing and amalgamation of the departments, distribution of the people, plus labor employment. This means employment of people.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 78 for identification.

Affidavit of Creutz III.

Summary: Conception of the Germanization of the official departments and by Himmler not to be in the sense of the indictment but in the sense of an avoidance of foreign national minorities. In the rest of the document 2915-PS, USA 306, transcript page 1314, this is only a periodic magazine "Deutsche Arbeit". The article by Koppe, transcript page 1320, concerns only the owrk done in the territories of the East that had been Greek amalgamated and does not concern an extension of the frontier towards the East.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 79 for identification.

H1051-0065

Affidavit of Creutz II.

Summary: The Germanization of Alsatians was not carried out by the SS, transcript pages 1334, 1424, 1685, and 3735 and in document R-114, USA 314. The meeting concerning the directives for the treatment of resettled Alsatians that took place on 4 August 1942 was not a conference of SS officers but one in which officials of the Reichs Commissar took part. Three of the named participants of the Staff Main Office did not belong to the SS at all.

For the rest, the matters concerned are measures of the Chief of the Civilian administration.

COMMISSIONER TAYLOR: Let the affidavit be marked SS No. 80 for identification.

(A recess was taken until 1400 hours.)

H1051-0066

MR. TAYLOR: We will continue with presentation of affidavits on the part of the SS organizations.

DR. LAUSCHENBACH: I should like to submit the affidavit by Gille of the 13th of July, 1946.

Summary: The witness testified first as to the keeping of the convention of Geneva, as referring to the Hague War Convention by the Fourth SS Armor Cops.

Secondly, the units that were lead by him were under the command of the commando authorities of the army and that they belonged to the armored division of the Fourth SS Armored corps. The SS and armored division were both formed according to the same directives and methods.

Thirdly, the armed SS and Waffen SS were formed by soldiers, and above all by order of Colonel General Hauser, but the mass of the members of the motorized SS did not know Himmler. The 4th SS Armored Corps and the SS units lead by the witness were never inspected by Himmler. Himmler's directives of a general nature only concerned generalities. They were alien to the troops, and were, therefore, rejected by them

Fourth, the uninterruped use of the troops in battle at the foremost front made it impossible for the militarized SS to be able to watch events that occurred outside of the area of the battle, to say nothing of the rear lines of communication. Therefore, they

H1051-0067

had no knowledge of any events that took place in concentration camps. During the war the SS, that is, the head of the divisions had no official connection of any kind to the concentration camps. The militarized SS had no knowledge of the activities of Himmler on a police sphere and also had no touch with police organizations.

5. The Corps and divisions of the militarized SS were amalgamated into the war army, but the mass of the militarized SS neither had any connection to the party nor to the General SS.

6. The militarized SS carried on good relationships with the civilian population of theEastern territory and never had any political tasks, but only purely military tasks and which were carried out in a fair and decent manner.

MR. TAYLOR: Let the affidavit be marked SS 81 for identification.

* * * * * * * *

DR. LAUSCHENBACH: The next affidavit is by Von Bomhard, of the 13th of July, 1946, in which the witness testified first that the SS police regiments were purely uniformed police regiments without any connection toward the SS at all.

Secondly, the SS were only in the war because of the police regiments, and because they were given recognition by Himmler.

Third, two-thirds of theSS police regiments were made up of reservists who had been drafted.

Fourth, personal membership in the SS was neither a requirement nor a consequence of membership in the SS police regiments.

Fifth, Himmler is not the founder of the SS regiments, nor is he the founder of alien police corps.

Sixth, there were three kinds of police troops, groups that were mixed with aliens, and the policy of extermination was not the aim in bringing up and drawing up any such groups.

Seventh, extermination of certain groups of people was never taught.

Eighth, the regular SS police regiment employed in anti-partisan combat under von dem Bach Zelewski did not belong to the SS.

Ninth, in the main office of the order police there was no division for Jewish questions.

H1051-0068

Thenth, the main office of the order police had never received any written order concerning the formation of Einsatz groups of the Security Police and SD. They were only given oral orientation, without giving the true nature of the tasks. No reports were made concerning the acitvities of the numerically very few people who were ordered to go on duty with them.

Eleventh, concerning the position taken towards some of the documents of the Prosecution it is shown that in several documents the ordinary police, the security police and the field gendarmie of the Wehrmacht had been confused.

Twelrth, awarding SS rank to members of the order police in the frame work of the war took place only under compulsion and did not mean any true membership.

Thirteenth, the order police was never a part of the SS but remained under the inner administration of the State and in a sense always the same, that is, an executive of the State.

Fourteenth, the idea of an amalgamated SS and police, therefore, remained unrealized.

MR. TAYLOR: Do you have any objection to the affidavit?

DR. LAUSCHENBACH: I should like to have the entire affidavit translated. We have very few affidavits concerning the problem treated in this affidavit. The affidavit as submitted by Von Bomhard is very clear and complete and the Court will only get a correct impression of the affidavit by having it completely translated.

MR. TAYLOR: Let the affidavit be marked SS No. 82 for identification and the request of counsel be noted.

DR. GAWLIK: I should like to draw your attention to the fact that Von Bomhard is the sole witness concerning police regiments, and that his name had appeared several times on thelist of witnesses to be interrogated, but that he had always been rejected and that this affidavit is the sole support of the defense for SS police regiments.

MR. TAYLOR: Very well, the remarks of counsel will be noted as to the request for a complete translation.

* * * * * * * * *

H1051-0069

DR. LAUSCHENBACK: The next affidavit is an affidavit by Blume of the 13th of July, 1946. Witness Blume can testify he is a former officer of the SS police divisions and he is one of the officers of the organization department of the Waffen SS, first, that the police divisions were in no way subordinate to the SS up to April, 1942, but as far as personnel were concerned under the order police and as far as use was concerned or employment was concerned under the army.

Second, by means of amalgamation of the SS police divisions about five thousand police officers of the order police were ordered to the Waffen SS and similarly numbers of the Luftwaffe were transferred to the Waffen SS. Blume can further testify he is a former officer of the police officer's school in Berlin-Kopeenick of 1938 and 1939, and he is a former adjutant of the inspector general of the protective police, and,

Third, whole classes.--

MR. TAYLOR: Does the witness made statements in here concerning the second part of your summary? You say he can testify to the facts, does he do it?

DR. LAUSCHENBACK: He makes those statements --

Third, whole classes of officers candidates were taken over in spite of numerous protests and had duty by way of the coordination measures to the SS, and,

Fourth, that the department commanders of the police officers school in Berlin Kopeenick was relieved of this office because of his opposing attitude toward the SS service coordination measure.

MR. TAYLOR: Is there any comment on the document or any objection to it?

DR. LAUSCHENBACK: I should like to have this affidavit also translated in full as it treats of the special conditions with the SS police divisions, and, secondly, because the affidavit proves that whole classes of aspiring officers were transferred to the SS, proving that a real compulsion existed.

MR. TAYLOR: Let the affidavit be marked SS 83 for identification and the request of counsel that the same to translated will be noted.

H1051-0070

DR. LAUSCHENBACK: Are you stating now whether it is to be translated or not or is it just that the request is to be noted?

MR. TAYLOR: If it is possible to get all of these affidavits translated they will be translated. That depends, of course, upon the translation section.

DR. LAUSCHENBACK: I am not going to ask that all of the affidavits be translated, but just a few of them, and I should like very much to have these few translated.

MR. TAYLOR: They will be submitted to the translation section for translation, and the affidavit will be marked No. 83 for identification.

* * * * * * *

DR. LAUSCHENBACK: The next affidavit is by Steiner. Steiner hands in two affidavits and I shall submit first the one of 15 July 1946. This witness as division commander of the Waffen SS and later as Commanding General of the Third German SS armored corps can testify:

First, that the building up of the Waffen SS during the war was not due to any previous basic planning.

Second, Himmler was competent only as far as identification, equipment and directing work was concerned.

Third, Himmler had not given any special orders to the Waffen SS concerning the manner of fighting.

Fourth, the Waffen SS troops had no idea of Himmler's sphere of thought.

Fifth, Himmler was also rejected by the Waffen SS as being unacquainted with the troops and the man at the fromt.

H1051-0071

Affidavits.

Sixth, the Waffen SS only had nebulous ideas concerning the other sectors of Himmler's sphere of power.

Seventh, the Persecution of Jews was rejected.

Eighth, the drawing up of Slavic SS Divisions shows that no extermination of Slavs had been planned.

Ninth, the Waffen SS was strictly separated from concentration camp guards.

Tenth, the Waffen SS took hardly any part in anti-partison combat.

Eleventh, penal offenses com itted by soldiers against thecivilian population were prosecuted by military courts. The Commissar order was not made known to the troops.

Twelfth: Executions carried out by the Einsatz gruppe of the security police and SD and the atrocities committed in concentration camps remained unknown to the troops.

Thirteenth: The 3rd Germanic SS armored corps observed martial and international law.

Fourteenth: The Waffen SS did not take part in any policy of might of power and force.

Fifteenth: The volunteers of the Waffen SS did not enter because of any fanatical thoughts nor into the manner of fighting the party front as honorary soldiers.

MR. TAYLOR: Let the affidavit be marked Waffen SS No. 84 for identification.

DR. LAUSCHENBACK: When you say: "For the purposes of identification an affidavit receives such and such a number" does that mean that the affidavit has been accepted and will be used in the Prosecution's final summary ?

MR. TAYLOR: That is right and I don't know whether you have been advised or not but counsel for the organizations will be permitted to submit to the Tribunal all of the affidavits and the summary and the transcript prepared by the Commission in a formal presentation to the Court by the organizations, the same as you do your document books.

H1051-0072

DR. LAUSCHENBAK: Yes, that is known to me.

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DR. LAUSCHENBAK: The next affidavit is by Steiner of the 13th of July, 1946. The witness testifies concerning the SS reserve troops before the army, as he as then commander of a regiment of the Deutschland saw and experienced these troops. He depicts after having been given a survey of the strength, the reasons that made volunteers enter the reserve troops, and further assures us that no party idealogy was taught here and gives here the decisive reasons. He goes on to testify essentially as follows:

The authoritative Fuhrer corps of the SS reservetroops came from the military and not the political sector. The Wehrmacht (army) had a full right of inspection and together with this influence conducted the training and conduct of the troops. The character and appearance of the reserve troops was to be distinguished primarily by soldiers, especially by Colonel General Hausser, and similarly Himmler's education and influence on the so-called basis laws of the SS was limited. Moreover, the reserve troops vied away from Himmler, because Himmler was not a soldier and never really close to the troops.

The reserve troops regarded themselves as an elite troop whose task was that of a reformatory character in a number of things concerning the old fashioned views of the army, especially in the case of the relationship between officers and men, their selection as aspiring officers and so on.

The SS reserve troops never had any police tasks and never developed any state or security police activities whatsoever. Joint discussions between the Commanders of the SS reserve troops and the heads of other sectors under Himmler's jurisdiction never took place.

On the 9th and 10th of November, 1938, the Reserve troops had assembled for the purpose of the administration of the oath and afterwards returned as a corps to their billets, so that not

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Affidavits.

a single man took a part in the excesses.

At the outbreak of the war the SS reserve troops had no general staff, no reserve officers, no reservists and no reserve troops prepared for the war, not even as far as training was concerned. The idea of war in itself was never glorified by them or in this group. The SS reserve troops like the entire nation were informed about the incidents that had taken place on the German-Polish border only through the press and the radio and hoped for a peaceful solution of the difference of opinion.

MR. TAYLOR: Let the affidavit be marked SS No. 85 for identification.

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DR. LAUSCHENBACH: I should like now to submit several affidavits concerning the position of higher SS and police leaders, and I should like the right of submitting one further affidavit on this topic by next Wednesday because the summary has not as yet been made.

I shall now submit the affidavit of Martin. Since the beginning of 1943 Martin had been a higher SS and police leader in Service Command No. 13 in Nurnberg.

1. Besides having a task as a Fuehrer of the SS oberabschnitt, the Higher SS and police Fuehrer was the representative deputy of the Reich Fuehrer SS. Practically, however, he had no authority over the police because the commanders of the order police as well as of the security police received their orders directly from the main offices of the Reich themselves. The higher SS and police fuehrers

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did not even have the authority of punishing, transferring or commanding members of the security and order police.

2. The Affidavit submitted by the Prosecution of Mildner of the 22nd of June 1945, concerning the responsibility and competency of the higher SS and police fuehrers is incorrect. Martin was a Gestapo chief and couldnot be in a position to charge the responsibility and competency of the higher SS and police fuehrer.

It is also incorrect that the obersturmbannfuehrer was the permanent liaison officer of the Reich Fuehrer SS and to the higher SS and police fuehrers. Martin received knowledge of the existence of a man called Eichmann only after the collapse.

3. Martin's statements refer only to the higher SS and police fuehrer within the Alt Reich, actually as before 1938.

MR. TAYLOR: Let the affidavit be marked SS No. 86 for identification.

DR. LAUSCHENBACK: The next affidavit seen from the viewpoint of the Central office of the order police and depicts the relationship between the higher SS and police fuehrer with the authorities inside and outside the Reich.

I should like now to submit an affidavit by vom Bomhard of the 15th of July 1946. As former chief of the Commando office of the order police in the Reich Ministry of the Interior, witness Von Bomhard can testify, first as to the creation of the offices of the offices of the higher SS and police fuehrer, and,

Secondly, that the higher SS and police fuehrer within the legal sector never had any authority of command toward the police authorities and the police forces under their command.

Third, that the police position within the state of the Higher SS and police fuehrer is to be strictly distinguished from the party position as SS oberabschmitt fuehrer and always remained separate.

Fourth, that the higher SS and police fuehrer in the Reich had firstly to carry out mere representative tasks and that any interference in the interior state administration and in the business of police authorities was prohibited to them.

H1051-0075

Fifth, that the higher SS and police fuehrer had no official penal jurisdiction toward the members of the police.

Sixth, that the position of the higher SS and police fuehrer was more inclusive in the occupied areas than inside the Reich, but that conditions were different.

Seventh, that the Commanders of the order Police did not belong to the higher SS and police fuehrers of the occupied territories and formed as commando staffs for anti-partisan battles and were personally excluded from any leadership activities or anti-partisan combat.

Eighth, that the higher SS and police fuehrer was only resorted to in exceptional cases by way of police official channels.

MR. TAYLOR: Is there any objection to the affidavit?

COLONEL ORLOV: No.

MR. TAYLOR: Let the affidavit be marked SS No. 87 for identification.

DR. LAUSCHENBACH: I should like to have the entire affidavit translated, because it is the best and the most comprehensive affidavit concerning the position of the central police office and their relation to the higher SS and police fuehrers inside and outside Germany.

MR. TAYLOR: Doesn't one of your affidavits here cover the same subject matter? Covers it in part, does it not?

DR. LAUSCHENBACH: In party, yes, but only small excerpts.

MR. TAYLOR: Let the record show that counsel requested affidavit #86 be translated.

DR. LAUSCHENBACH: The next affidavit is by Hofmann. Two affidavits by Hoffman are being submitted. The second affidavit is marked #2. Summary of the first affidavit: As an SS obergruppenfuehrer and general of the Waffen SS and police, Hofmann was the last higher SS and police fuehrer, southwest, in service command #5. The commander of the Security Police in his sector received all orders directly from the Reich Main Security Office. The commander of the order police was also not subordinate to the higher SS and police fuehrer, as he was directly subordinate to the Main Office Order Police. The publication of Dr. Best's work, "die

H1051-0076

Schutzstaffel der NSDAP und die Deutsche Polizei" (in the SS of the NSDAP and German Police) and in book #32 of the Administration Academy (Verwaltungs akademie) concerning the authority of the higher SS and police fuehrer (a common leadership head for SS order police and security police) does not correspond to the facts.

MR. TAYLOR: Hofmann did not appear as a witness in any of the Commission proceedings?

DR. LAUSCHENBACH: No.

MR. TAYLOR: Are there any objections to the affidavit?

COL. ORLOV: No.

MR. TAYLOR: Let the affidavit be marked SS-88 for identification.

DR. LAUSCHENBACH: I shall now submit a second affidavit by Hofmann, concerning the organization of the prisoners of war system after it had been taken over by Himmler. Although Himmler was appointed head of the prisoners of war system, this office remained a Wehrmacht office. The influence of the higher SS and police fuehrers, too, as "higher commander of prisoners of war" restricted itself to security measures. Moreover the whole organization and the set up of the guard personnel remained the same and was neither supplemented nor increased by SS members. Commissioning SS Obergruppenfuehrer Pohl and Berger with tasks within the prisoners of war system did not have anything to do with their other official positions.

MR. TAYLOR: Are there any objections to the affidavit?

COL. ORLOV: No.

MR. TAYLOR: Let the affidavit be marked SS-90 for identification.

DR. LAUSCHENBAUER: I should like now to submit three affidavits concerning the topic that the reason of the behavior of SS officials towards foreign diplomats, the mass of the SS members could not possibly get the idea that the SS was a criminal organization. The first one is the affidavit of Loewle. In 1938 Loewle took part in the Reich Party rally as untersturmfuehrer and observed a visit of diplomats as guests in Camp Biwak. When the SS began to sing in a jolly spirit, the ladies and gentlemen of the diplomatic corps began to participate too. The British Ambasaador in Berlin, Mr. Henderson, who stood next to Loewle said "If I were a German, I would also be an SS man."

H1051-0077

MR. TAYLOR: Are there any objections to the affidavit submitted?

COL. ORLOV: In my opinion this affidavit has no value at all. I doubt that this affidavit has any provocative value and I am of the opinion that if the Commission submits this affidavit to the Tribunal, they will receive a reprimand. If some foreign diplomats -- ladies and gentlemen -- visited a certain camp as is said here of what importance is it. I myself, of course, am not authorized to suspect this affidavit as not being true. Perhaps the circumstances were as depicted, but even if so, what importance would it be? For example, if some foreigners visited a concentration camp -- Biwak, for example -- and saw only what was being shown them, they might very easily declare this or any other concentration camp to be a sanitorium. The people concerned in this affidavit were no SS men themselves and did not know probably what was beingcarried on.

DR. LAUSCHENBACH: Affidavits of this nature are of the very utmost importance for the defense of the SS. It is not important whether diplomats made statements of this effect and then they did make statements to this effect whether they knew of the terrible conditions that existed, but important is that the mass of the SS men did not know too conditions in the concentration camp, but only knew of conditions as they were being shown to visitors. Therefore, they, too, drew the same conclusions from what they had seen, as the foreign visitors did and in drawing these conclusions and in seeing only what the visitors saw, they had to believe that the SS was an organization that was recognized abroad and not a criminal organization.

MR. TAYLOR: We have the objection of the prosecution and that will be noted in the record and reference made thereto. The affidavit will be marked SS-90 for identification.

DR. LAUSCHENBACH: The next affidavit is affidavit by Eshholdt #2. In 1938, Eschholdt took part in the Party rally and in receiving the diplomatic corps. The then Polish ambassador, Lipski, gave an address in the name of the diplomatic corps in which he expressed his praise and recognition of the SS, exmphasized the virtues of the SS especially, and stressed that it was an honor for the diplomatic corps to be allowed to be in the circle of this elite of the

H1051-0078

German nation. The good reputation that the SS had was found and confirmed that right. Eschholdt said if he were a German, he would also belong to the SS. Towards the end, a toast was drunk to the SS. None of those present, SS members could, after what had just been experienced, supposed that they belonged to a criminal organization, but on the other hand they had leaned to the impression that this organization was respected in the entire world.

MR. TAYLOR: Are there any objections to the affidavit?

COLONEL ORLOV: The objection is the same as I made to the other affidavit.

MR. TAYLOR: The objection of this affidavit by prosecution is noted as being the same objection as to SS-90, for further reference. The affidavit will be marked SS-91 for identification.

DR. LAUSCHENBACH: The next affidavit also is Eschholdt No. 3. Summary: In September 1936, Lloyd George appeared on the occasion of an assembly of the General SS of the Oberabschnitt southwest in Cannstatt near Stuttgart. At his request, he watched a parade and afterwards talked to the SS fuehrers of which Eschholdt also was one and expressed his special praises.

COLONEL ORLOV: I can only repeat the objection that I made to the two previous affidavits.

MR. TAYLOR: The objection of the prosecution being made to SS-92 is noted and will be used for further reference by the Commission. The Commission is of the opinion that the last three affidavits are not relevant; they are more or less personal opinion of what the affiants heard somebody say. Does counsel think that they are relevant and material to the defense?

DR. LAUSCHENBACH: Yes, I'm of the opinion that they are. The witnesses made observations that were at the same time made by large numbers of SS fuehrers and men. In this morning's session the affidavit submitted by Kamp and Franz also contained statements as to missions of foreign personalities concerning this organization and in the comprehensive affidavit that is

H1051-0079

going to be submitted next week, there will be a number of such statements of personal impressions and observations.

MR. TAYLOR: Very well, I just wanted to get your idea.

DR. LAUSCHENBACH: The next two affidavits are two affidavits in proof of the utmost maintenance of secrecy within SS. The first one made by Meine I. Meine was the representative of the personal consultant of the Reich Fuehrer SS. Not even the Reich Minister of Justice had the right to visit the concentration camp without the expressed permission of Reich Fuehrer SS. If such a visit had been authorized, Himmler gave the instruction to the concentration camp in question via the Reich Main Security Office that the Jewish quarters and other places of political importance, especially the installations for destructions were not to be shown to the Reich Minister of Justice. After any such visit, report had to be made concerning the observance of this secrecy.

MR. TAYLOR: Are there any objections to the affidavit?

COLONEL ORLOV: No.

MR. TAYLOR: Let the affidavit be marked SS-93 for identification.

DR. LAUSCHENBACH: The next affidavit by Meine II. Meine was representative of the personal consultant of the Reich Fuehrer SS. Only the main officers from NSS Gruppenfuehrer on within the jurisdiction of Himmler were, as a rule, invited to the so-called SS Gruppenfuehrer meetings. Meine, in spite of his belonging to the very closest circle surrounding Himmler, had never been allowed to participate at any such meeting.

MR. TAYLOR: Any objection to the affidavit?

COLONEL ORLOV: No objection.

MR. TAYLOR: Let the affidavit be marked SS-94 for identification.

DR. LAUSCHENBACH: I am now submitting two affidavits concerning the SS maidens and should like to point out that these SS maidens are in no way to be confused with the female guards in concentration camps, and that these SS maidens carried out

H1051-0080

the same functions that the female auxilliary troops carried out within the Army, and that they had no inner relation to the SS. The affidavits submitted by Mathilde Dohlmacher and Josephine Riedmaier. Both of them were as a matter of fact employed in the wireless office of the staff of the concentration camps, but had nothing to do with the personnel of the camp, especially with the female guards. The area within the fence where the inmates were quartered was not allowed to be entered by these SS maidens.

MR. TAYLOR: Any objection to the affidavit?

COLONEL ORLOV: No objection.

MR. TAYLOR: Let the affidavit be marked SS-95 for identification.

DR. LAUSCHENBACH: The next affidavit, an affidavit by Ruth Brinkmann. SS-maidens were not employed as guards in concentration camps, but had the same duties as the signal and staff women's auxilliary of the other Army groups. They were neither members nor paying members of the SS and did not pay any dues.

MR. TAYLOR: Any objection to the affidavit?

COLONEL ORLOV: No objection.

MR. TAYLOR: Let the affidavit be marked SS-96 for identification.

DR. LAUSCHENBACH: I should now like to present two documents concerning the fact that the fuehrers of even war veterans' organizations, such as for example, the Kyffhaenser organization only became formal and honorary fuehrers without having any other relationships. The affidavit by Reinhard - Since the 27th of January 1934, Reinhard had been head of the Reich Veterans Organization (Kyffhaeuser), registered organization; that is an organization of soldiers of the first world war for comradeship, tradition, and welfare. This organization had about three million members. After this organization was first placed under the jurisdiction of the SA as SA reserve, Reinhard tried in general from 1934 to 1936 to accomplish the jurisdiction of

H1051-0081

this organization under the Wehrmacht, and without finding any support against the constant attacks by Party authorities. Finally he asked Himmler to take over the sponsorship of this organization. Himmler consented, but asked of the fuehrers of the Reich Veterans Organization that they enter the SS. The relatively few members of the organization who entered the general SS thereupon did not carry out any SS service nor did they have any relationship to the SS. After about nine months, the jurisdiction of the organization under Himmler came to an end. The organization was now placed directly under the jurisdiction of Hitler as the NS-War Veterans/ Organization (Kyffhaeuser).

COLONEL ORLOV: No objections.

MR. TAYLOR: Let the affidavit be marked SS-97 for identification.

DR. LAUSCHENBACH: The next affidavit by Von Behr -- from November 1933 until August 1941, von Behr was staff fuehrer with the Reich War Veterans' leader, General Reinhard. After vain attempts by Reinhard to bring about the sponsorship of the Wehrmacht over this organization in order to defend the organization from attacks by Party members, Reinhard asked Himmler to assume sponsorship of this organization. Himmler consented, but asked of the fuehrers of this organization that they enter the SS. These fuehrers formed a special corps within the SS with the badge of the Hyffhaeuser organization on their sleeves. The tasks of the organization remained the same without expansion as they had been before being taken over by the SS. Although it was known abroad that most of the fuehrers in the Reich Veterans Organization and also a part of the members belonged to the SS, the foreign war veterans' organization carried on freely relationship with the Reich Veterans Organization. For example, the British legion, for as late as the spring of 1939, invited a delegation of the Reich Veterans Organization to a visit to England.

H1051-0082

colonel orlov; The affidavit is cumulative to SS-97. I don't believe that it is useful.

DR. LAUSCHENBACH: The first affidavit has been given by the head of the Reich War Veterans Organization himself, and the second one by the chief of staff. The second one does not only refer to the testimony that Reinhard made in the first affida vit, but also to the relationship of this organization to the foreign war veterans' organization.

MR. TAYLOR: The objection of the prosecution is noted in the record and reference made thereto. Affidavit will be marked SS-98 for identification.

DR. LAUSCHENBACH: The next two affidavits submitted show that the monies received for work done by concentration camp inmates was not expended by the SS, but like other State revenue went into the Reich treasury. The first affidavit by Frank goes up to August 1943; the second affidavit by Fanslau concerns itself with the time after September 1943. The affidavit by Frank - Frank was chief of office group A in the economic administration main office (troop administration from the 31st of J anuary 1942 to August 1943). In office group A, there comprised the sectors budges, accounts, administrative law, examination of the Reich treasuries and personal identifications. The monies coming in from the employment carried out by inmates were booked for the budget of the Reich and not given to the SS. Moreover the office group A had nothing to do with concentration camps nor did it have any knowledge of the number, place, and number of inmates in concentration camps and events that occurred in them.

The second affidavit by Fanslau confirms and supplements the affidavit of Frank for the time after September 1943.

MR. TAYLOR: Any objections to the two affidavits?

COLONEL ORLOV: No objections.

MR. TAYLOR: Let the affidavit of Frank be marked SS-99 for identification. The affidavit of Fanslau will be marked SS-100 for identification.

We will take about a ten minute recess.

Recess: 1555 hours.

H1051-0083

Affidavits.

DR. RAUSCHENBACH: The next affidavit treats of the Group Lebensborn, mentioned by the prosecution in its indictment without having been charged without any special crimes, however, and for this reason it would also have to be mentioned by the defense. From March 1943 until April 1945 Dr. Staudte was legal consultant in Lebensborn and, in carrying out his work inside into the activities and aims of Lebensborn, gathered:

First: The tasks of Lebensborn founded by Himmler in 1936 as a common organization, were:

a. The support of racial families that were valuable for heredity and had many children.

b. The protection of expectant mothers valuable from a racial and hereditary standpoint, as then equally valuable children were to be expected.

c. The care of these children.

d. The care for their mothers.

e. The care for bereaved of fallen SS men. For this purpose, the Lebensborn had homes for mothers and children.

Second: About one-half of the children were illegitimate, the other half were legitimate. The third work of Lebensborn was not confined to the SS. Every expectant mother should apply for admission to Lebensborn.

Fourth: Lebensborn made those difficulties for expectant mothers easier, which society has found from experience, by keeping pregnancy and birth secret as long as possible.

Fifth: No political influence was exerted on the mothers. They also were not asked to separate from their children.

Sixth: Lebensborn did not have the aim of promoting and enabling extramarital conception. The institutes of Lebensborn were no conception institutes. However, occasionally, applications of women were received, applying for a partner for conception of children. But they were without exception rejected for the reason that Lebensborn did not concern itself with such mediation.

H1051-0084

Affidavits.

COMMISSIONER: Any objection to this affidavit ?

(No objection).

COMMISSIONER: Let the affidavit be marked SS-101 for identification.

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DR. RAUSCHENBACH: I shall submit two affidavits that concern themselves with the voluntary self-protection organization in the Sudeten. The prosecution has termed this self-protection or voluntary organization, a forerunner or part of the SS, and as being a fifth column. The first affidavit of Schulmeister. Schulmeister is a Sudeten German. On the 15th of October 1938 he entered the General SS after having been a member of the Sudeten German Party since May 1938, and a number of the voluntary self-protection groups since July 1938. In September 1938 Sudeten German men, especially unemployed, crossed the border into the Reich. Evidently they entered the Sudeten German Free Corps in the Reich. After the occupation of the Sudeten German territory by German troops these members of the Free Corps returned to their country, not in groups, however, but individually and in SA uniform. As far as members of the Free Corps had connection with the SS, these can only have been a few individual cases.

The voluntary self-protection group (FS) of the Sudeten German Party was founded as self-protection for political meetings. They were not uniformed and had no definite directors or training.

The statements of SS-Gruppenfuehrer Karl Hermann Frank in his article in which he says that the FS were essentially trained according to principles of the SS, is in no way correct as applies to true conditions. The FS is neither a terror organization nor was it a forerunner of the SS.

COMMISSIONER: Any objections? Then let the affidavit be marked SS-102 for identification.

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H1051-0085

Affidavits.

DR. RAUSCHENBACH: Next is the affidavit of Kubitz. Kubitz was a lawyer in the Volksdeutsche Mittelstelle, an organization for the repatriation and welfare of racial Germans, that had to carry out the transfer of money

H1051-0086

to German minorities in European countries. The FS was an officially recognized state militia organization in the Slovak state as early as the end of 1938, and as such was placed under the jurisdiction of the Slovak Minister of the Interior. The FS was an AMT. The FS was never a part of the SS, and had no relationships whatsoever to the SS. The Germans in the Slovak state were not drafted into the Waffen-SS until the year 1943.

COMMISSIONER: Any objection to the affidavit?

(No objection).

Let the affidavit be marked SS-103 for identification.

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DR. RAUSCHENBACH: I shall now submit two affidavits that concern themselves with the 9th of November 1938, the Jewish Program. Other affidavits concerning this topic have been submitted previously, but concern themselves with the different localities of the SS. The first is by Lott.

Summary: The SS in Offenburg/Baden did not take part in the Jewish action of the 9th of November 1938. On the 10th of November the alarm was given to the SS Sturm and used for the protection in the guarding of the synagogues and the protection of nearby flats of the Jews. Persons who looted were prevented from taking the things away and were induced to return them to where they had taken them from.

COMMISSION: Any objections to the affidavit?

COLONEL ORLOV: No objections.

COMMISSIONER: Let the affidavit be marked SS-104 for identification.

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DR. RAUSCHENBACH: The next affidavit is by Eschholdt. As fuehrer of the SS-Standarte and SS Standortfuehrer in Nurnberg, Eashholdt took part in the administration of the oath to the SS applicants on the 9th of November 1938 in Nurnberg. According to an order by Himmler all the participants during this administration of oath went home (that was the entire SS in Nurnberg), so that the SS in the Nurnberg-Fuerth area did not hear of the Jewish action until the 10th of November. On the 10th the order was received that the General SS was to be employed to prevent looting of Jewish property. SS Oberscharfuehrer

H1051-0087

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COMMISSIONER: Any objection to the affidavit?

(No objection).

Let the affidavit be marked SS-103 for identification.

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COMMISSION: Any objections to the affidavit?

COLONEL ORLOV: No objections.

COMMISSIONER: Let the affidavit be marked SS-104 for identification.

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H1051-0088

Hacker, who had taken part in the Jewish action against orders, was expelled from the SS and sentenced to one year imprisonment for the appropriation of Jewish property, and also was handed over to a concentration camp by a decree of the Reichfuehrer SS after he had finished his sentence.

COMMISSIONER: Any objections to this affidavit?

(No objection)

COMMISSIONER: Let the affidavit be marked SS-105 for identification.

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DR. RAUSCHENBACH: The next affidavit is that of Hederich. Hederich worked on the NS Annual up to the year 1939. The NS Annual was a publication issued according to certain calendar periods for the general information, without there being information contained therein-- being of a kind that might be called organizing or being called exact and reliable. The NS Annual was no official organ.

In connection with this affidavit I should like to say that the prosecution have made a charge that the statements in the NS Annual represent actual facts and occurrences.

COMMISSIONER: Any objections to the affidavit?

(No objection).

Then let the affidavit be marked SS-106 for identification.

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DR. RAUSCHENBACH: Affidavit by Mrugowsky.

Mrugowsky was head of the Hygienic Institute of the Waffen-SS, as SS Oberfuehrer of the Waffen-SS.

Mrugowsky relates numerous examples of how in all countries and at all times biological experiments were carried out on people if animal experiments did not lead to any goal, and the results were especially important for humanity. I should like to have the entire affidavit translated.

COMMISSIONER: Are there any objections to the affidavit?

COL. ORLOV: I should like to read the affidavit. (Reads).

No objection.

H1051-0089

COMMISSIONER: Let the affidavit be marked SS-107 for identification. And the request for translation is noted in the record.

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DR. RAUSCHENBACH: The next affidavit by von Bomhard. It says that the SS had nothing to do with the action for the recruiting of labor which were carried on by the organization Sauckel, together with the Reich Commissars in the East. The action was carried out by theGerman civilian administration, with the collaboration of the local mayors and the country's own protenction squads controlled by the German order and security police.

COMMISSIONER: Any objects to the affidavit?

COLONEL ORLOV: No objection.

COMMISSIONER: Let the affidavit as submitted be marked SS-108 for identification.

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DR. RAUSCHENBACH: That completes the affidavits.

COMMISSIONER: I understand you have one more affidavit you want to submit between now and Wednesday.

DR. RAUSCHENBACH: Just one which relates to the police fuehrer. And the: there probably will be a few others. The witnesses have not as yet arrived.

COMMISSIONER: I think you have quite a few here already.

DR. RAUSCHENBACH: There can be only but very very few more.

COMMISSIONER: The Commission adjourns until ten o'clock tomorrow.

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The foregoing is a true and correct transcript of Affidavits submitted by DR. PELCKMANN; taken on 26 July 1946.

Rose Cook
Reporter

Alice Meehan
Reporter

Biolsi
Reporter

Charles Gallagher
Reporter

Bernice Winkler
Reporter

Mabel A. Lesser
Reporter

CERTIFIED TO: George R. Taylor
Commissioner